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ADMCLOSED, APPEAL, STAYED

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:21-cv-00541-CEH-SPF**

State of Florida v. United States of America et al
Assigned to: Judge Charlene Edwards Honeywell
Referred to: Magistrate Judge Sean P. Flynn
Case in other court: 11th Circuit, 21-11715-BB
Cause: 05:0702 Administrative Procedure Act

Date Filed: 03/08/2021
Date Terminated: 05/24/2021
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

State of Florida

represented by **James Hamilton Percival , II**
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V.

Defendant

United States of America

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Defendant

Alejandro Mayorkas
*Secretary of the United States
Department of Homeland Security,
in his official capacity*

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Defendant

**United States Department of
Homeland Security**

represented by **Kuntal V. Cholera**
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Defendant

Troy Miller
Acting Commissioner of U.S.

represented by **Kuntal V. Cholera**
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*Customs and Border Protection, in
his official capacity*

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**United States Customs and
Border Protection**

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Defendant

Tae Johnson
*Acting Director of U.S.
Immigration and Customs
Enforcement, in his official
capacity*

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Defendant

**United States Immigration and
Customs Enforcement**

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Defendant

Tracy Renaud
*Acting Director of U.S. Citizenship
and Immigration Services, in her
official capacity*

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Defendant

**United States Citizenship and
Immigration Services**

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Amicus

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Date Filed	#	Docket Text
03/08/2021	<u>1</u>	COMPLAINT against Alejandro Mayorkas, Tae Johnson, United States of America, Tracy Renaud, Troy Miller, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement (Filing fee \$ 402 receipt number 113A-17974414) filed by State of Florida. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Exhibit 1, January 20 Memo, # <u>4</u> Exhibit 2, February 18 Memo, # <u>5</u> Exhibit 3, 2017 Memo, # <u>6</u> Exhibit 4, 2014 Memo, # <u>7</u> Exhibit 5, Thomas Declaration w/ Attachments, # <u>8</u> Exhibit 6, Criminal Information)(Percival, James) Modified on 3/9/2021 (JLD). (Entered: 03/08/2021)

03/09/2021	2	NEW CASE ASSIGNED to Judge Charlene Edwards Honeywell and Magistrate Judge Sean P. Flynn. New case number: 8:21-cv-0541-CEH-SPF. (SJB) (Entered: 03/09/2021)
03/09/2021	3	SUMMONS issued as to Alejandro Mayorkas, Tae Johnson, The United States of America, Tracy Renaud, Troy Miller, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Department of Homeland Security, and U.S. Immigration and Customs Enforcement. (JLD) (Entered: 03/09/2021)
03/09/2021	4	MOTION for Preliminary Injunction by State of Florida. (Attachments: # 1 Exhibit 1, Thomas Declaration w/ ICE Emails, # 2 Exhibit 2, Criminal Alien Information, # 3 Exhibit 3, January 20 Memo, # 4 Exhibit 4, February 18 Memo, # 5 Exhibit 5, 2017 Memo, # 6 Exhibit 6, 2014 Memo, # 7 Exhibit 7, Agreements w/ ICE, # 8 Exhibit 8, ICE Arrest Data, # 9 Exhibit 9, BOP Florida Data, # 10 Exhibit 10, Federal Alien Inmates Data, # 11 Exhibit 11, Recidivism Data, # 12 Exhibit 12, Crime Victim Expenditures, # 13 Exhibit 13, Ensley Declaration, # 14 Exhibit 14, Lloyd Declaration, # 15 Exhibit 15, Gourley Declaration, # 16 Exhibit 16, Pasco County Public Records, # 17 Exhibit 17, ICE's New Procedures, # 18 Exhibit 18, Homan Declaration, # 19 Text of Proposed Order)(Percival, James) (Entered: 03/09/2021)
03/09/2021	5	NOTICE to counsel Jason H. Hilborn of Local Rule 2.01(b)(1)(G), which requires members of the Middle District bar to register with the Middle District CM/ECF system. (Signed by Deputy Clerk) (JLD) (Entered: 03/09/2021)
03/09/2021	6	CORPORATE Disclosure Statement by State of Florida. (Patel, Anita) (Entered: 03/09/2021)
03/09/2021	7	MOTION/REQUEST for oral argument re 4 MOTION for Preliminary Injunction by State of Florida. (Patel, Anita) Modified on 3/9/2021 (CTR). (Entered: 03/09/2021)
03/10/2021	8	NOTICE to Counsel of Local Rule 1.07(c), Local Rule 3.02(a)(2), and Local Rule 3.03. -Local Rule 1.07(c) requires lead counsel to <i>promptly</i> file a Notice of a Related Action that identifies and describes any related action

		pending in the Middle District. -Local Rule 3.02(a)(2) requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at www.flmd.uscourts.gov. The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2) within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at www.flmd.uscourts.gov under the Forms tab for each judge. -Local Rule 3.03 requires each party to file a disclosure statement with the first appearance that identifies (1) each person that has or might have an interest in the outcome, (2) each entity with publicly traded shares or debt potentially affected by the outcome, (3) each additional entity likely to actively participate, and (4) each person arguably eligible for restitution. The disclosure statement must include this certification - <i>I certify that, except as disclosed, I am unaware of an actual or potential conflict of interest affecting the district judge or the magistrate judge in this action, and I will immediately notify the judge in writing within fourteen days after I know of a conflict.</i> (Signed by Deputy Clerk). (BGS) (Entered: 03/10/2021)
03/10/2021	<u>9</u>	NOTICE informing the parties that they may consent to the jurisdiction of a United States magistrate judge by filing Form AO 85 Notice, Consent, and Reference of a Civil Action to a Magistrate Judge using the event Consent to Jurisdiction of US Magistrate Judge. (Signed by Deputy Clerk). (BGS) (Entered: 03/10/2021)
03/10/2021	<u>10</u>	NOTICE of Appearance by Kuntal V. Cholera on behalf of Alejandro Mayorkas, Tae Johnson, Tracy Renaud, Troy Miller, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America (Cholera, Kuntal) (Entered: 03/10/2021)
03/11/2021	<u>11</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION for Preliminary Injunction , Consent MOTION to File Excess Pages by All Defendants. (Cholera, Kuntal) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 03/11/2021)

03/11/2021	12	ENDORSED ORDER granting 7 Motion for Hearing / Settlement Conference. Oral argument on the motion for preliminary injunction will be scheduled by separate notice. Signed by Judge Charlene Edwards Honeywell on 3/11/2021. (CEH) (Entered: 03/11/2021)
03/11/2021	13	ENDORSED ORDER granting 11 Motion for Extension of Time to File Response / Reply ; granting 11 Motion to File Excess Pages. Defendants may file a response to the motion for preliminary injunction, which does not exceed twenty-five (25) pages, by March 23, 2021 or seven days before the oral argument, whichever is later. See Local Rule 6.02(c). Signed by Judge Charlene Edwards Honeywell on 3/11/2021. (CEH) (Entered: 03/11/2021)
03/12/2021	14	MOTION for Walter S. Zimolong III to appear pro hac vice, Special Admission fee paid, Receipt No. 113A-17995637 for \$150 by Advocates for Victims of Illegal Alien Crime. (Zimolong, Walter) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 03/12/2021)
03/12/2021	15	ENDORSED ORDER granting 14 ENDORSED ORDER granting 14 Walter S. Zimolong's motion to appear pro hac vice. Within twenty-one (21) days of the date of this Order, counsel shall comply with the fee and electronic filing requirements. Signed by Magistrate Judge Sean P. Flynn on 3/12/2021. (DK) (Entered: 03/12/2021)
03/15/2021	16	ORDERED: Plaintiff is directed to SHOW CAUSE as to why venue of this action is proper in the Middle District of Florida, Tampa Division, pursuant to 28 U.S.C. § 1391(e)(1). Plaintiff shall file a written response within FOURTEEN (14) DAYS from the date of this Order. Additionally, Plaintiff may file an Amended Complaint, which cures the deficiency as to venue, within FOURTEEN (14) DAYS from the date of this Order. Failure to respond to this Order within the time provided will result in this action being transferred to the Northern District of Florida, without further notice. Signed by Judge Charlene Edwards Honeywell on 3/15/2021. (CSS) (Entered: 03/15/2021)
03/16/2021	17	RESPONSE TO ORDER TO SHOW CAUSE re 16 Order pdf filed by State of Florida. (Patel, Anita) (Entered: 03/16/2021)
03/16/2021	18	Unopposed MOTION for Leave to File Amicus Brief <i>in Support of Plaintiff's Motion for a Preliminary Injunction</i> by Immigration Reform Law Institute. (Attachments: # 1 Local Rule 3.01(g))

		Certification, # 2 Disclosure Statement, # 3 Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction, # 4 Certificate of Service)(Dunn, Kristian) (Entered: 03/16/2021)
03/22/2021	19	NOTICE by State of Florida <i>of Service</i> (Attachments: # 1 Exhibit A - USPS Certified Mail Receipts, # 2 Exhibit B - USPS Delivery Confirmations)(Patel, Anita) (Entered: 03/22/2021)
03/22/2021	20	ORDERED: Upon review of Plaintiff's Response 17 to the Court's Order to Show Cause 16, the Court accepts Florida's Response and finds that venue in the Middle District of Florida, Tampa Division, has been sufficiently alleged. The Court will take no further action on the Order to Show Cause and it is DISCHARGED. Signed by Judge Charlene Edwards Honeywell on 3/22/2021. (JDE) (Entered: 03/22/2021)
03/23/2021	21	MOTION for Leave to File Amicus Brief by Advocates for Victims of Illegal Alien Crime. (Attachments: # 1 Exhibit proposed amicus brief)(Zimolong, Walter) (Entered: 03/23/2021)
03/23/2021	22	Unopposed MOTION for Leave to File Amicus Brief by American Civil Liberties Union, ACLU of Florida. (Attachments: # 1 Exhibit Proposed Amici Brief)(Kacou, Amien) (Entered: 03/23/2021)
03/23/2021	23	RESPONSE in Opposition re 4 MOTION for Preliminary Injunction filed by Alejandro Mayorkas, Tae Johnson, Tracy Renaud, Troy Miller, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Declaration of Peter Berg, # 4 Declaration of Mitchell Diaz)(Cholera, Kuntal) (Entered: 03/23/2021)
03/24/2021	24	ORDERED: Unopposed Motion of Immigration Reform Law Institute for Leave to File a Memorandum of Law as Amicus Curiae in Support of Florida's Motion for a Preliminary Injunction 18 is DENIED. Unopposed Motion of Advocates for Victims of Illegal Alien Crime for Leave to File an Amicus Brief in Support of the State of Florida's Motion for a Preliminary Injunction 21 is DENIED. Unopposed Motion of the American Civil Liberties Union and ACLU of Florida for Leave to File Brief as Amici Curiae 22 is DENIED. Signed by Judge Charlene Edwards Honeywell on 3/24/2021. (JDE) (Entered: 03/24/2021)

03/27/2021	25	NOTICE of Hearing on Motion re 4 MOTION for Preliminary Injunction. Motion Hearing set for 4/13/2021 at 10:00 AM in Tampa Courtroom 13A before Judge Charlene Edwards Honeywell. The hearing scheduled for APRIL 13, 2021 will be conducted via ZOOM VIDEO CONFERENCE. The Clerk will be sending everyone an invitation to the meeting via email. If you have any questions, please contact courtroom deputy, Bettye Samuel, at Bettye_Samuel@flmd.uscourts.gov. Although the hearing is taking place by video, all parties should dress appropriately for this Court proceeding. Furthermore, you are hereby reminded that under Local Rule 5.01 the taking of photographs, the operation of recording or transmission devices, and the broadcasting or televising of proceedings in any courtroom or hearing room of this Court, or the environs thereof, either while the Court is in session or at recesses between sessions when Court officials, lawyers, jurors, witnesses or other persons connected with judicial proceedings of any kind are present, are prohibited. Additionally, please dress appropriately for the hearing and DO NOT share the hearing password with anyone.(BGS) (Entered: 03/27/2021)
04/01/2021	26	Unopposed MOTION to Amend 4 MOTION for Preliminary Injunction by State of Florida. (Patel, Anita) (Entered: 04/01/2021)
04/02/2021	27	ORDERED: Plaintiff's Unopposed Motion for Leave to Amend Motion for Preliminary Injunction 26 is GRANTED. See Order for additional details. Signed by Judge Charlene Edwards Honeywell on 4/2/2021. (CSS) (Entered: 04/02/2021)
04/05/2021	28	***TERMINATED-COUNSEL ON SIGNATURE LINE DOES NOT MATCH COUNSEL OF ENTRY--COUNSEL NOTIFIED TO RE-FILE***NOTICE by State of Florida <i>of Filing</i> <i>Supplemental Exhibits re 4 MOTION for Preliminary Injunction</i> (Attachments: # 1 Exhibit 19 - Thomas Declaration with ICE Emails (Supp. to Doc. 4-1), # 2 Exhibit 20 - Criminal Alien Information (Supp. to Doc. 4-2))(Patel, Anita) Modified on 4/5/2021 (CTR). (Entered: 04/05/2021)
04/05/2021	29	NOTICE by State of Florida <i>of Filing Supplemental Exhibits re 4</i> <i>MOTION for Preliminary Injunction</i> (Attachments: # 1 Exhibit 19 - Thomas Declaration with ICE Emails (Supp. to

		Doc. 4-1), # 2 Exhibit 20 - Criminal Alien Information (Supp. to Doc. 4-2))(Patel, Anita) (Entered: 04/05/2021)
04/12/2021	30	NOTICE by Alejandro Mayorkas, Tae Johnson, Tracy Renaud, Troy Miller, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America (Attachments: # 1 Supplement Declaration)(Cholera, Kuntal) (Entered: 04/12/2021)
04/13/2021	31	Minute Entry. Virtual Proceedings held before Judge Charlene Edwards Honeywell: MOTION HEARING held on 4/13/2021 re 4 MOTION for Preliminary Injunction filed by State of Florida. Court Reporter: Sharon A. Miller (BGS) (Entered: 04/13/2021)
04/16/2021	32	TRANSCRIPT of PRELIMINARY INJUNCTION HEARING (via ZOOM) held on APRIL 13, 2021 before Judge CHARLENE EDWARDS HONEYWELL. Court Reporter/Transcriber SHARON A. MILLER, Telephone number 813-301-5041. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter.. Redaction Request due 5/7/2021 Redacted Transcript Deadline set for 5/17/2021 Release of Transcript Restriction set for 7/15/2021. (SAM) (Entered: 04/16/2021)
04/16/2021	33	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal. Court Reporter: Sharon A. Miller. (SAM) (Entered: 04/16/2021)
04/29/2021	34	Unopposed MOTION to Amend 4 MOTION for Preliminary Injunction by State of Florida. (Attachments: # 1 Exhibit PI Hearing Transcript, # 2 Exhibit ICE Email)(Percival, James) (Entered: 04/29/2021)

05/07/2021	35	NOTICE or, in the alternative, MOTION to Dismiss by Alejandro Mayorkas, Tae Johnson, Tracy Renaud, Troy Miller, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America (Attachments: # 1 Exhibit 1)(Cholera, Kuntal) Modified event and text on 5/10/2021 (MCB). (Entered: 05/07/2021)
05/10/2021	36	RESPONSE to Motion re 34 Unopposed MOTION to Amend 4 MOTION for Preliminary Injunction filed by Alejandro Mayorkas, Tae Johnson, Tracy Renaud, Troy Miller, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Attachments: # 1 Exhibit A)(Cholera, Kuntal) (Entered: 05/10/2021)
05/18/2021	37	REQUEST for oral argument re 4 MOTION for Preliminary Injunction , 34 Unopposed MOTION to Amend 4 MOTION for Preliminary Injunction (<i>supplemental argument or a status conference</i>) by State of Florida. (Attachments: # 1 Exhibit)(Percival, James) (Entered: 05/18/2021)
05/18/2021	38	ORDERED: Florida's Unopposed Motion for Leave to Amend its Motion for Preliminary Injunction 34 is GRANTED. Florida's Motion for a Preliminary Injunction 4 is DENIED. Signed by Judge Charlene Edwards Honeywell on 5/18/2021. (JDE) (Entered: 05/18/2021)
05/19/2021	39	***STRICKEN PURSUANT TO ORDER 42 ***NOTICE by State of Florida of <i>Filing Supplemental Exhibits re 4 MOTION for Preliminary Injunction</i> (Attachments: # 1 Exhibit 21-1 - Administrative record related to the 1/20 and 2/18 Memorandums, # 2 Exhibit 21-2 - Administrative record cont'd, # 3 Exhibit 21-3 - Administrative record cont'd, # 4 Exhibit 22 - ICE Detention Statistics)(Patel, Anita) Modified on 5/20/2021 (CTR). (Entered: 05/19/2021)
05/19/2021	40	NOTICE OF APPEAL as to 38 Order on Motion to Amend / Correct / Modify / SupplementOrder on Motion for Preliminary Injunction by State of Florida. Filing fee \$ 505, receipt number

		AFLMDC-18269962. (Attachments: # 1 Exhibit Appealed Order)(Percival, James) (Entered: 05/19/2021)
05/19/2021	41	TRANSMITTAL of initial appeal package to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re 40 Notice of Appeal. (CTR) (Entered: 05/19/2021)
05/19/2021	42	ORDERED: Florida's Notice of Filing Supplemental Exhibits 39 and Exhibits attached thereto (Docs. 39-1 through 39-4) are STRICKEN. The Clerk is directed to STRIKE Florida's Notice of Filing Supplemental Exhibits 39 and the attached exhibits (Doc. 39-1 through 39-4). Signed by Judge Charlene Edwards Honeywell on 5/19/2021. (JDE) (Entered: 05/19/2021)
05/20/2021	43	Unopposed MOTION to Stay <i>Proceedings</i> by State of Florida. (Patel, Anita) (Entered: 05/20/2021)
05/24/2021	44	ORDER granting 43 Motion to Stay. This case is STAYED pending resolution of the Plaintiff's appeal of the Court's Order denying the motion for preliminary injunction. The Clerk is directed to terminate all pending motions and deadlines and administratively close this file. Upon the expiration of the stay, any party may move to reopen this case and renew any previously pending motions. Signed by Judge Charlene Edwards Honeywell on 5/24/2021. (BGS) (Entered: 05/24/2021)
05/24/2021		Case Stayed. (CTR) (Entered: 05/24/2021)
06/02/2021	45	TRANSCRIPT information form filed by State of Florida re 40 Notice of Appeal. USCA number: 21-11715. (Percival, James) (Entered: 06/02/2021)
06/22/2021		Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Middle District of Florida certifies that the record is complete for the purposes of this appeal re: 40 Notice of Appeal. All documents are imaged and available for the USCA to retrieve electronically. USCA number: 21-11715-X (CTR) (Entered: 06/22/2021)

Transaction Receipt			
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