

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CASA DE MARYLAND, *et al.*,

Plaintiffs,

v.

Civil No. PWG-17-2942

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court's February 26, 2021 and July 15, 2021 Orders, ECF Nos. 129, 135, the parties, having conferred, hereby submit the following joint status report:

1. As explained in their previous joint status reports, ECF Nos. 130, 132, 134, the parties have been discussing whether Plaintiffs' anticipated request for attorneys' fees can be resolved without the need for motions practice.

2. Those discussions were not successful. The parties propose the following briefing schedule for Plaintiffs' request for attorneys' fees under the Equal Access to Justice Act (EAJA): (1) Plaintiffs' fee petition to be filed on or before September 30, 2021; (2) Defendants' opposition to Plaintiffs' fee petition to be filed on or before October 29, 2021; (3) Plaintiffs' reply in support of their fee petition to be filed on or before November 15, 2021.

3. While the parties also had continued to discuss what Plaintiffs consider to be significant delays in the processing of initial requests for Deferred Action for Childhood Arrivals (DACA), that discussion has been overtaken by other court actions. On July 16, 2021, the United States District Court for the Southern District of Texas issued an opinion and a permanent injunction on the subject of DACA. *See Texas v. United States*, No. 1:18-cv-00068, 2021 WL 3022434, 2021 WL 3025857 (S.D. Tex. July 16, 2021) (the "Texas Decision"). As a result of the permanent injunction, the Department of Homeland Security (DHS) may no longer grant any "new . . . DACA applications,"

i.e., “those not already granted by” July 16, 2021, 2021 WL 3022434, at *2, but (pending appeal) may continue to grant renewal requests.

4. On July 17, 2021, President Biden issued a statement about the Texas Decision, noting (among other things) that “[t]he Department of Justice intends to appeal this decision in order to preserve and fortify DACA.” Statement by President Joe Biden on DACA and Legislation for Dreamers (July 17, 2021), available at <https://perma.cc/XTY3-JKHA>. Secretary of Homeland Security Mayorkas also issued a statement, reiterating that DHS “will engage the public in a rulemaking process to preserve and fortify DACA,” and also “will continue processing DACA renewal requests, consistent with the ruling.” Statement by Secretary Mayorkas on DACA Ruling (July 17, 2021), available at <https://perma.cc/YG2A-4L53>.

5. Plaintiffs are assessing the impact of the Texas Decision, if any, on further proceedings in this case, and will contact the Court in the event there is need for Court action before the next status report is due.

6. Pursuant to the Court’s February 26, 2021 Order, the parties will file another joint status report on or before October 8, 2021.

Dated: August 26, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRAD P. ROSENBERG
Assistant Branch Director

/s/ Galen N. Thorp
GALEN N. THORP (D. Md. 813831)
Senior Trial Counsel
STEPHEN M. PEZZI (D. Md. 813691)
RACHAEL L. WESTMORELAND
(D. Md. 807639)
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Phone: (202) 305-8576

Fax: (202) 616-8470
Email: stephen.pezzi@usdoj.gov

Counsel for Defendants

/s/ Elizabeth J. Bower

Elizabeth J. Bower (D. Md. No. 21666)
Kyle A. Mathews (pro hac vice)
WILLKIE FARR & GALLAGHER LLP
1875 K Street NW
Washington, DC 20006
Tel: (202) 303-1000
Fax: (202) 303-2000
ebower@willkie.com
kmathews@willkie.com

John A. Freedman (D. Md. No. 20276)
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001-3743
Tel: (202) 942-5000
John.Freedman@arnoldporter.com

Dennis A. Corkery (D. Md. No. 19076)
WASHINGTON LAWYERS' COMMITTEE FOR
CIVIL RIGHTS AND URBAN AFFAIRS
700 14th Street, NW, Suite 400
Washington, DC 20005
Tel: 202-319-1000
dennis_corkery@washlaw.org

Attorneys for Plaintiffs