

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN DOE,

Plaintiff,

v.

ORDER

17-cv-112-wmc

DONALD J. TRUMP, JOHN F. KELLY,
THE DEPARTMENT OF HOMELAND
SECURITY, LORI SCIALABBA, U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES, REX W. TILLERSON, U.S.
DEPARTMENT OF STATE and THE
UNITED STATES OF AMERICA,

Defendants.

In response to this court's order requiring answers to certain questions, defendants represent that (1) plaintiff's refugee/asylee relative petitions were not affected by the Executive Order and are being processed on an expedited basis; and (2) the processing of refugee/asylee relative petitions more generally resumed when the *Washington* injunction was issued, consistent with the USCIS memorandum attached as Exhibit A to the response. (Defs.' Resp. (dkt. #23) 5-6.) Moreover, defendants reiterate their position that the Executive Order has been effectively withdrawn, pending issuance of a revised order. (*Id.* at 4.)

In light of these representations, plaintiff withdrew his request for emergency relief during this afternoon's status conference. In addition, the court determined that plaintiff's motion for summary judgment is MOOT at this time, or at most currently without merit based as it is on a single, vague representation to the contrary. (Pl.'s Aff. (dkt. #11) ¶ 23 ("My understanding is that the application is once again at the Nebraska office but remains unprocessed.").)

This ruling is without prejudice to plaintiff renewing the motion. Indeed, plaintiff may seek discovery confirming defendants' representations as to the processing of his petitions or other evidence that his petitions are not being considered in the ordinary course. Moreover, plaintiff may amend his pleading, renew his request for emergency relief and/or seek summary judgment if either discovery belies defendants' representations or a revised Executive Order is implemented that plaintiff maintains impacts his petitions in violation of his constitutional rights.

A telephonic status conference shall be held in this matter on March 22, 2017, at 3:00 p.m. Plaintiff to initiate call to chambers at 608-264-5087. Defendants need not respond to the pending, or any amended, complaint until a date to be set at that conference.

Entered this 17th day of February, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge