

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01907-JDB**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE v.
TRUMP et al
Assigned to: Judge John D. Bates
Case: [1:17-cv-02325-JDB](#)
Case in other court: USCA, 18-05243
Cause: 05:551 Administrative Procedure Act

Date Filed: 09/18/2017
Date Terminated: 08/23/2018
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

**NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF
COLORED PEOPLE**
(NAACP), National Headquarters

represented by **Douglas James McNamara**
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Plaintiff

**AMERICAN FEDERATION OF
TEACHERS, AFL-CIO**

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Julie S. Selesnick
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Plaintiff

**UNITED FOOD AND
COMMERCIAL
INTERNATIONAL UNION,
AFL-CIO, CLC**

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Julie S. Selesnick
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V.

Defendant

DONALD J. TRUMP

*in his official capacity as President
of the United States*

represented by **Kate Talmor**

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Defendant

JEFFERSON B. SESSIONS, III

*in his official capacity as Attorney
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Rachael Lynn Westmoreland

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Defendant

ELAINE C. DUKE
in her official capacity as acting
Secretary of Homeland Security

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Defendant

**U.S. CITIZENSHIP AND
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Defendant

**U.S. IMMIGRATION AND
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Defendant

**DEPARTMENT OF
HOMELAND SECURITY**

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Defendant

UNITED STATES OF AMERICA

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Date Filed	#	Docket Text
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09/18/2017	<u>1</u>	COMPLAINT <i>by NAACP</i> against DONALD TRUMP, JEFFERSON BEAUREGARD SESSIONS III, ELAINE C. DUKE, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY, UNITED STATES OF AMERICA (Filing fee \$ 400 receipt number 0090-5120614) filed by NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons US Attorneys Office)(Sellers, Joseph) (Entered: 09/18/2017)
09/18/2017		Case Assigned to Judge Christopher R. Cooper. (md) (Entered: 09/18/2017)
09/19/2017	<u>2</u>	SUMMONS (1) Issued Electronically as to UNITED STATES OF AMERICA, non party U.S. Attorney (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 09/19/2017)
09/19/2017		SUMMONS (6) Not Issued as to DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE, JEFFERSON BEAUREGARD SESSIONS, III, DONALD TRUMP, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (SUMMONS WERE NOT SUBMITTED AT THE TIME COMPLAINT WAS FILED) (md) (Entered: 09/19/2017)
09/19/2017	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE 1) <i>Donald Trump</i> ; 2) <i>Jefferson Sessions</i> ; 3) <i>Elaine Duke</i> ; 4) <i>US Citizenship and Immigration Services</i> ; 5) <i>US Immigration and Customs Enforcement</i> ; 6) <i>Department of Homeland Security</i> ; and 7) <i>US Attorneys Office</i> re <u>1</u> Complaint, filed by NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE. Related document: <u>1</u> Complaint, filed by NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.(Sellers, Joseph) (Entered: 09/19/2017)
09/19/2017	<u>4</u>	NOTICE of Appearance by Julia Horwitz on behalf of NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (Horwitz, Julia) (Entered: 09/19/2017)
09/20/2017	<u>5</u>	SUMMONS (6) Issued Electronically as to DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE, JEFFERSON BEAUREGARD SESSIONS, III, DONALD TRUMP, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S.

		IMMIGRATION AND CUSTOMS ENFORCEMENT, and U.S. Attorney General (znmw) (Entered: 09/20/2017)
09/20/2017	<u>6</u>	SUMMONS (1) Reissued Electronically as to UNITED STATES OF AMERICA/U.S. Attorney. (znmw) (Entered: 09/20/2017)
09/25/2017	<u>7</u>	NOTICE of Appearance by Douglas James McNamara on behalf of NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (McNamara, Douglas) (Entered: 09/25/2017)
10/23/2017	<u>8</u>	Consent MOTION for Leave to File <i>Amended Complaint</i> by NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (Attachments: # <u>1</u> Exhibit A - Amended Complaint, # <u>2</u> Exhibit B - Proposed Order)(Sellers, Joseph) (Entered: 10/23/2017)
10/24/2017		MINUTE ORDER: Plaintiff NAACP's <u>8</u> Consent Motion for Leave to File Amended Complaint is GRANTED. Signed by Judge Christopher R. Cooper on 10/24/2017. (lccrc1) (Entered: 10/24/2017)
10/24/2017	<u>9</u>	MOTION for Scheduling Order by NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A - N.D. Cal. Scheduling Order, # <u>3</u> Exhibit B - E.D.N.Y. Scheduling Order, # <u>4</u> Exhibit C - D. Md. Status Conference Order, # <u>5</u> Exhibit D - McNamara Email, # <u>6</u> Exhibit E - Beckenhauser Email, # <u>7</u> Exhibit F - N.D. Cal. Hearing Transcript)(Sellers, Joseph). Added MOTION for Hearing on 10/25/2017 (znmw). (Entered: 10/24/2017)
10/24/2017	<u>10</u>	FIRST AMENDED COMPLAINT against DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE, JEFFERSON BEAUREGARD SESSIONS, III, DONALD TRUMP, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES OF AMERICA filed by NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, UNITED FOOD AND COMMERCIAL INTERNATIONAL UNION, AFL-CIO, CLC.(znmw) (Entered: 10/25/2017)
10/26/2017		MINUTE ORDER: It is hereby ORDERED that, on or before October 30, 2017, Defendants shall respond to <u>9</u> Plaintiffs' Motion for Status Conference and Adoption of Case Management Order. That response shall include Defendants' positions on the statements made in Plaintiffs' Rule 26(f) report, which is attached to Plaintiffs'

		motion. Signed by Judge Christopher R. Cooper on 10/26/2017. (lccrc1) (Entered: 10/26/2017)
10/26/2017	<u>11</u>	NOTICE of Appearance by Rachael Lynn Westmoreland on behalf of All Defendants (Westmoreland, Rachael) (Entered: 10/26/2017)
10/30/2017	<u>12</u>	NOTICE of Appearance by Kate Bailey on behalf of All Defendants (Bailey, Kate) (Entered: 10/30/2017)
10/30/2017	<u>13</u>	RESPONSE re <u>9</u> MOTION for Scheduling Order MOTION for Hearing filed by DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE, JEFFERSON BEAUREGARD SESSIONS, III, DONALD TRUMP, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES OF AMERICA. (Bailey, Kate) (Entered: 10/30/2017)
11/03/2017	<u>14</u>	REPLY to opposition to motion re <u>9</u> MOTION for Scheduling Order MOTION for Hearing filed by AMERICAN FEDERATION OF TEACHERS, AFL-CIO, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, UNITED FOOD AND COMMERCIAL INTERNATIONAL UNION, AFL-CIO, CLC. (Sellers, Joseph) (Entered: 11/03/2017)
11/08/2017	<u>15</u>	MOTION to Dismiss , MOTION for Summary Judgment by DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE, JEFFERSON BEAUREGARD SESSIONS, III, DONALD TRUMP, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Certified Index of Administrative Record, # <u>2</u> Text of Proposed Order)(Bailey, Kate) Modified event title on 11/9/2017 (znmw). (Entered: 11/08/2017)
11/09/2017		MINUTE ORDER: The Court directs Plaintiffs to file any opposition to Defendants' Motion to Dismiss on or before November 29, 2017. Defendants' reply is due 14 days after Plaintiffs file their opposition. Signed by Judge Christopher R. Cooper on 11/9/2017. (lccrc3) (Entered: 11/09/2017)
11/09/2017		Set/Reset Deadlines: Response to Dispositive Motions due by 11/29/2017. (lsj) (Entered: 11/09/2017)
11/21/2017	<u>16</u>	Joint MOTION for Scheduling Order <i>and Stipulation Regarding Use of Discovery</i> by AMERICAN FEDERATION OF TEACHERS, AFL-CIO, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, UNITED FOOD

		AND COMMERCIAL INTERNATIONAL UNION, AFL-CIO, CLC (Sellers, Joseph) (Entered: 11/21/2017)
11/22/2017	17	SCHEDULING ORDER: See Order for full briefing schedule. The Court will hold a motions hearing on January 31, 2017 at 10:00 AM in Courtroom 27A. Signed by Judge Christopher R. Cooper on 11/22/2017. (lccrc1) (Entered: 11/22/2017)
11/27/2017		Set/Reset Deadlines/Hearings: Dispositive Motions due by 11/22/2017. Response to Dispositive Motions due by 12/15/2017. Reply to Dispositive Motions due by 1/10/2018. Replies due by 1/19/2018. Oral Arguments on Motions set for 1/31/2018 at 10:00 AM in Courtroom 27A before Judge Christopher R. Cooper. (lsj) (Entered: 11/27/2017)
12/15/2017	18	MOTION for Nine Declarants to Proceed Pseudonymously by AMERICAN FEDERATION OF TEACHERS, AFL-CIO, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, UNITED FOOD AND COMMERCIAL INTERNATIONAL UNION, AFL-CIO, CLC (Attachments: # 1 Text of Proposed Order)(Sellers, Joseph) (Entered: 12/15/2017)
01/03/2018	19	Case directly reassigned to Judge John D. Bates as related to 17cv2325 (JDB). Judge Christopher R. Cooper is no longer assigned to the case. (ztnr) (Entered: 01/03/2018)
01/10/2018	20	NOTICE of Appearance by Julie S. Selesnick on behalf of AMERICAN FEDERATION OF TEACHERS, AFL-CIO, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, UNITED FOOD AND COMMERCIAL INTERNATIONAL UNION, AFL-CIO, CLC (Selesnick, Julie) (Entered: 01/10/2018)
01/18/2018		MINUTE ORDER: On the Court's own motion, and upon consideration of the entire record herein, it is hereby ORDERED that this case is CONSOLIDATED with Civil Action No. 17-2325 for purposes of the dispositive motions currently pending in both cases; it is further ORDERED that all filings with respect to those motions shall be made jointly and shall be filed only in 17-2325; it is further ORDERED that counsel of record in both cases shall receive electronic notice of any filings made in either case; and it is further ORDERED that counsel in both cases shall determine how to divide their argument time at the motions hearing currently set for Friday, February 2, 2018 at 9:30 a.m. before Judge John D. Bates. SO ORDERED - by Judge John D. Bates on 1/18/2018. (tb) (Entered: 01/18/2018)

01/25/2018		Set/Reset Hearings: Telephone Conference set for 1/26/2018 at 02:30 PM in Courtroom 30A before Judge John D. Bates. (tb) (Entered: 01/26/2018)
01/26/2018		Minute Entry for proceedings held before Judge John D. Bates: Telephone Conference call held on 1/26/2018. The Motions Hearing presently scheduled for Friday, February 2, 2018 is continued to a date and time to be determined. (Revised Scheduling Order to be Issued) (Court Reporter: Lisa Moreira) (jth) (Entered: 01/26/2018)
01/28/2018		Set/Reset Deadlines: Plaintiffs' Reply in support of their 28 Motion for Summary Judgment is due by 2/6/2018. A Joint Status Report representing the parties' respective proposals for scheduling further proceedings in this case is due by 2/22/2018. (jth) (Entered: 01/28/2018)
03/14/2018		Minute Entry: Motion Hearing held on 3/14/2018 before Judge John D. Bates re: 15 MOTION to Dismiss MOTION for Summary Judgment filed by JEFFERSON BEAUREGARD SESSIONS, III, DONALD TRUMP, UNITED STATES OF AMERICA, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE. Motion heard and taken under advisement. (Court Reporter Bryan Wayne) (tb) (Entered: 03/14/2018)
03/15/2018	21	TRANSCRIPT OF 3/14/18 MOTIONS HEARING before Judge John D. Bates held on March 14, 2018; Page Numbers: 1-95. Date of Issuance: March 15, 2018. Court Reporter: Bryan A. Wayne. Transcripts may be ordered at www.dcd.uscourts.gov . For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, PDF or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 4/5/2018. Redacted Transcript Deadline set for 4/15/2018. Release of

		Transcript Restriction set for 6/13/2018.(Wayne, Bryan) (Entered: 03/15/2018)
04/24/2018	22	ORDER granting in part, denying in part, and deferring in part 15 the government's motion to dismiss; granting in part and denying in part plaintiffs' motion for summary judgment; and disposing of the remaining motions pending in this case. See text of Order for details. Signed by Judge John D. Bates on 4/24/2018. (lcjdb1) (Entered: 04/24/2018)
04/24/2018	23	MEMORANDUM OPINION. Signed by Judge John D. Bates on 4/24/2018. (lcjdb1) (Main Document 23 replaced on 4/26/2018) (ztd). (Entered: 04/24/2018)
06/27/2018	24	SCHEDULING ORDER. See text of Order for details. Signed by Judge John D. Bates on 6/27/2018. (lcjdb1) (Entered: 06/27/2018)
06/27/2018		Set/Reset Deadlines: Motion to revive 69 Order is due by 7/11/2018. Responses due by 7/23/2018 Reply due by 7/27/2018. (tb) (Entered: 06/27/2018)
07/11/2018	25	NOTICE of Appearance by Stephen M. Pezzi on behalf of All Defendants (Pezzi, Stephen) (Entered: 07/11/2018)
08/03/2018	26	ORDER denying defendants' motion to revise the Court's April 24, 2018 Order. See text of Order for details. Signed by Judge John D. Bates on 8/3/2018. (lcjdb1) (Entered: 08/03/2018)
08/03/2018	27	MEMORANDUM OPINION. Signed by Judge John D. Bates on 8/3/2018. (lcjdb1) (Entered: 08/03/2018)
08/03/2018		Set/Reset Deadlines: The stay of the Court's 4/24/2018 Order vacating the DHS's 9/5/2017 decision rescinding the DACA program is continued until 8/23/2018. Defendants shall file by 8/23/2018 any motion seeking a further stay of the Court's Order pending appeal. (jth) (Entered: 08/03/2018)
08/06/2018	28	NOTICE OF APPEAL TO DC CIRCUIT COURT as to 23 Memorandum & Opinion, 22 Order on Motion for Scheduling Order,, Order on Motion for Hearing,, Order on Motion to Dismiss,, Order on Motion for Summary Judgment,, Order on Motion for Miscellaneous Relief, 26 Order, 27 Memorandum & Opinion by ELAINE C. DUKE, U.S. CITIZENSHIP AND IMMIGRATION SERVICES,

		DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DONALD TRUMP, UNITED STATES OF AMERICA, JEFFERSON BEAUREGARD SESSIONS, III. Fee Status: No Fee Paid. Parties have been notified. (Davis, Kathryn) (Entered: 08/06/2018)
08/07/2018	<u>29</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the appeal was filed by the government re <u>28</u> Notice of Appeal to DC Circuit Court. (zrdj) (Entered: 08/07/2018)
08/10/2018		USCA Case Number 18-5243 for <u>28</u> Notice of Appeal to DC Circuit Court,, filed by JEFFERSON BEAUREGARD SESSIONS, III, DONALD TRUMP, UNITED STATES OF AMERICA, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE. (zrdj) (Entered: 08/10/2018)
08/15/2018	<u>30</u>	RESPONSE to <i>Motion to Stay</i> by AMERICAN FEDERATION OF TEACHERS, AFL-CIO, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, UNITED FOOD AND COMMERCIAL INTERNATIONAL UNION, AFL-CIO, CLC (Attachments: # <u>1</u> Exhibit A)(Sellers, Joseph) Modified event title on 8/17/2018 (znmw). (Entered: 08/15/2018)
08/17/2018	<u>31</u>	ORDER granting the government's motion to clarify and granting in part and denying in part the government's motion to stay. See text of Order for details. Signed by Judge John D. Bates on 8/17/2018. (lcjdb1) (Entered: 08/17/2018)
08/17/2018	<u>32</u>	MEMORANDUM OPINION. Signed by Judge John D. Bates on 8/17/2018. (lcjdb1) (Entered: 08/17/2018)
09/19/2019	<u>33</u>	Certified and transmitted Record on Appeal to US Supreme Court re appeal <u>28</u> (jf) (Additional attachment(s) added on 9/19/2019: # <u>1</u> Transmittal Letter) (jf). (Entered: 09/19/2019)
07/23/2020	<u>34</u>	ORDER remanding to the Department of Homeland Security. See text of Order for details. Signed by Judge John D. Bates on 7/23/2020. (lcjdb1) (Entered: 07/23/2020)

07/23/2020	35	MANDATE of USCA as to (28 in 1:17-cv-01907-JDB) Notice of Appeal to DC Circuit Court,, filed by JEFFERSON B. SESSIONS, III, DONALD J. TRUMP, UNITED STATES OF AMERICA, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE, (79 in 1:17-cv-02325-JDB) Notice of Appeal to DC Circuit Court,,, filed by JEFFERSON B. SESSIONS, III, DONALD J. TRUMP, UNITED STATES OF AMERICA, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, ELAINE C. DUKE ; USCA Case Number 18-5243. (Attachment: # 1 USCA Order)(zsb) (Entered: 07/24/2020)
07/27/2020		MINUTE ORDER: It is hereby ORDERED that the government shall file a status report by not later than August 11, 2020, informing the Court of (1) what steps the government has taken on remand to comply with the Supreme Court's opinion in <u>Department of Homeland Security v. Regents of the University of California</u>, 140 S. Ct. 1891 (2020), which affirmed this Court's 22 26 Orders; and (2) what actions the government has taken in response to other judicial orders bearing on the DACA program that have been issued since the Supreme Court's decision, including any relevant orders in <u>Casa De Maryland v. U.S. Department of Homeland Security</u>, No. 17-cv-2942-PWG (D. Md. 2020); it is further ORDERED that plaintiffs may file a status report by not later than August 11, 2020, informing the Court of any outstanding issues and whether this Court retains authority to address them in light of its 34 Order remanding to the Department of Homeland Security. SO ORDERED. Signed by Judge John D. Bates on 7/27/2020. (lcjdb1) (Entered: 07/27/2020)
07/27/2020		Set/Reset Deadlines: Status Reports due by 8/11/2020. (tb) (Entered: 07/27/2020)

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