

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**KNIGHT FIRST AMENDMENT INSTITUTE
AT COLUMBIA UNIVERSITY,**

Plaintiff,

V.

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

Defendants.

No. 1:17-cv-00548-TSC

DEFENDANTS' MOTION FOR STAY IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of all proceedings in this case.

1. The appropriation act or acts that had been funding the Department of Justice (DOJ) and defendants Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) expired at the end of the day on December 21, 2018, and appropriations to DOJ, DHS, CBP, and ICE lapsed. DOJ does not know when funding will be restored by Congress.

2. Absent an appropriation, DOJ attorneys and employees of DHS, CBP, and ICE assigned to this case are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. The Government therefore requests a stay of all proceedings in this case until Congress has restored appropriations to DOJ, DHS, CBP, and ICE. If this motion for a stay is granted, the Government will notify the Court as soon as Congress has appropriated funds for DOJ, DHS, CBP, and ICE. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

4. Opposing counsel advises that plaintiff will take no position on the Government's motion for stay.

5. Therefore, although we greatly regret any disruption caused to the Court and plaintiff, the Government hereby moves for a stay of all proceedings in this case until appropriations to DOJ, DHS, CBP, and ICE have been restored.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Director

s/ David M. Glass

DAVID M. GLASS, DC Bar 544549

Senior Trial Counsel

Department of Justice, Civil Division

1100 L Street, N.W., Room 12020

Washington, D.C. 20530

Tel: (202) 514-4469/Fax: (202) 616-8460

E-mail: david.glass@usdoj.gov

Attorneys for Defendants

Dated: January 21, 2019

CERTIFICATE OF SERVICE

I certify that I served the within motion and proposed order on all counsel of record by filing them with the Court by means of its ECF system on January 21, 2019.

s/ David M. Glass

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

		)	
KNIGHT FIRST AMENDMENT INSTITUTE		)	
AT COLUMBIA UNIVERSITY,		)	
		)	
	Plaintiff,	)	
		)	
v.		)	No. 1:17-cv-00548-TSC
		)	
DEPARTMENT OF HOMELAND		)	
SECURITY, <i>et al.</i> ,		)	
		)	
	Defendants.	)	
		)	

[PROPOSED] ORDER

It is hereby ordered as followed in view of defendants’ motion for stay in light of lapse of appropriations and good cause having been shown:

1. Defendants’ motion is granted.
2. All proceedings in this case are stayed until Congress restores appropriations to the Department of Justice, Department of Homeland Security, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement.
3. All current deadlines in this case are extended commensurate with the duration of the lapse in appropriations.

Dated: _____

UNITED STATES DISTRICT JUDGE