

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STATE OF TEXAS, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 6:24-cv-00306
)	
UNITED STATES DEPARTMENT OF HOMELAND SECURITY, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

UNOPPOSED MOTION TO STAY ANSWER DEADLINE

Defendants respectfully request that the Court stay the answer deadline in this case. There is good cause for this stay, and Plaintiffs do not oppose.

On August 26, 2024, the Court authorized discovery on factual matters related to standing and set a deadline of September 16, 2024, to complete that discovery. ECF No. 27 at 7-8. The Court also set an answer deadline of September 9, 2024. *Id.* at 7. Defendants sought discovery into Plaintiffs’ standing in part because Defendants intended to move to dismiss under Federal Rule of Civil Procedure 12(b), but under the current schedule the deadline to respond to the complaint comes before the close of jurisdictional discovery. In addition, the Court is consolidating Plaintiffs’ motion for a preliminary injunction with a hearing on the merits and advancing to trial under Federal Rule of Civil Procedure 65(a)(2), ECF No. 27 at 8, so it makes sense for Defendants to make whatever arguments they would make under Rule 12 in the context of merits briefing.

On September 4, 2024, Defendants conferred with Plaintiffs’ counsel, who stated that they do not oppose this motion.

Accordingly, Defendants respectfully request that the Court stay the answer deadline so that Defendants can raise any arguments they may have under Rule 12 after the close of discovery

in the context of briefing on the merits, as other courts adjudicating challenges to parole processes have done in these circumstances. *See, e.g., Texas v. DHS*, No. 23-cv-7, Dkt. No. 90 (S.D. Tex. March 22, 2023) (Tipton, J.) (in case challenging certain parole processes for nationals of Cuba, Haiti, Nicaragua, and Venezuela, permitting pre-answer discovery into Plaintiff States’ standing, staying Defendants’ answer deadline, and consolidating the preliminary injunction motion with the merits); *Texas v. Biden*, No. 22-cv-780, Dkt. 50 (N.D. Tex. Aug. 22, 2022) (Lynn, J.) (in case challenging parole process concerning certain minors from Central American countries, granting motion for pre-answer discovery into Plaintiff States’ standing, staying deadline to answer, and holding other deadlines, including Defendants’ answer, in abeyance pending completion of discovery); *Texas v. Mayorkas, et al.*, No. 2:22-cv-0094-Z, ECF No. 60 (N.D. Tex. May 31, 2022) (Kacsmark, J.) (ordering parties to “complete limited jurisdictional discovery into Texas’s alleged injuries and standing to sue” while staying Defendants’ response to motion for preliminary injunction and answer deadline); *Arizona v. Garland*, No. 22-cv-1130, Dkt. 24 (W.D. La., May 18, 2022) (Joseph, J.) (in case challenging asylum and parole procedures, staying preliminary injunction and answer deadlines and permitting pre-answer jurisdictional discovery into Plaintiff States’ standing).

CONCLUSION

For the foregoing reasons, the Court should stay Defendants’ deadline to answer or otherwise respond to Plaintiffs’ Complaint.

Dated: September 4, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

WILLIAM C. PEACHEY
Director
Office of Immigration Litigation
District Court Section

EREZ REUVENI
Senior Counsel

KATIE J. SHINNERS
BRIAN C. WARD
Senior Litigation Counsel

ELISSA FUDIM
ERIN T. RYAN
Trial Attorneys

/s/ Joseph A. Darrow
JOSEPH A. DARROW
Trial Attorney
U.S. Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Tel.: (202) 598-7537
Email: joseph.a.darrow@usdoj.gov

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Defendants complied with the meet and confer requirements of Local Rule CV-7(h). On September 4, 2024, counsel for Defendants conferred with counsel for Plaintiffs by videoconference about the relief requested in this motion. Plaintiffs do not oppose this motion.

/s/ Joseph A. Darrow
JOSEPH A. DARROW
U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2024, I electronically filed this motion with the Clerk of the Court for the United States District Court for the Eastern District of Texas using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Joseph A. Darrow
JOSEPH A. DARROW
U.S. Department of Justice