

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on
behalf of herself and others similarly situated,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, Secretary of
Homeland Security, et al.,

Defendants.

Civ. A. No. 21-100 (EGS)

JOINT STATUS REPORT

Pursuant to the Court's November 22, 2022, Final Judgement under Rule 54(b) and Stay of Proceedings, ECF No. 170, the parties respectfully submit this joint status report requesting that the stay be continued pending resolution of the appellate proceedings in this case. A proposed order is attached.

1. On November 15, 2022, the Court granted Plaintiffs' motion for partial summary judgment on Count Six of their Second Amended Complaint. *See Huisha-Huisha v. Mayorkas*, No. CV 21-100 (EGS), 2022 WL 16948610, (D.D.C. Nov. 15, 2022). Thereafter, on November 22, 2022, the Court entered final judgment on Count Six pursuant to Federal Rule of Civil Procedure 54(b). ECF No. 167. The Court also stayed proceedings as to Plaintiffs' remaining claims, and directed the parties to submit a joint status report in 60 days informing the Court how they wish to proceed with Plaintiffs' remaining claims. ECF No. 170.

2. As the Court is aware, nineteen States have moved to intervene in this action. ECF No. 168. Upon Defendants' notice of appeal, the States unsuccessfully moved to intervene and for a stay of this Court's judgment in the D.C. Circuit. *See Huisha-Huisha v. Mayorkas*, No. 22-5325 (D.C.

Cir. Dec. 16, 2022), Doc. #1978057. The Supreme Court, however, granted a stay on December 27, 2022, pending resolution of the question “[w]hether the State applicants may intervene to challenge the District Court’s summary judgment order,” and set oral argument for March 1, 2023. *Arizona v. Mayorkas*, 143 S. Ct. 478 (2022).

3. On January 20, 2023, the D.C. Circuit ordered that further proceedings in the D.C. Circuit be held in abeyance pending the Supreme Court’s decision. Order, *Huisba-Huisba v. Mayorkas*, No. 22-5325 (D.C. Cir. Jan. 20, 2023), Doc. #1982224. The court directed the parties to file motions to govern future proceedings in the case within 30 days of the disposition by the Supreme Court. *Id.*

4. In light of the status of the appellate proceedings, including the Supreme Court’s forthcoming consideration of the intervention issue, the parties believe that it is in the interest of judicial economy to stay further proceedings on Plaintiffs’ remaining claims pending the outcome of appellate proceedings in this case. The parties reserve the right to request to lift the stay depending on the circumstances. They propose that they submit a joint status report within 30 days of the Supreme Court’s decision on the intervention question. A proposed order is attached.

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