

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 29 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CRISTA RAMOS; et al.,

Plaintiffs-Appellees,

v.

ALEJANDRO N. MAYORKAS, Secretary
of Homeland Security; et al.,*

Defendants-Appellants.

No. 18-16981

D.C. No. 3:18-cv-01554-EMC
Northern District of California,
San Francisco

ORDER

MURGUIA, Chief Circuit Judge:

Beneficiaries of the Temporary Protected Status (TPS) program from Haiti, Sudan, El Salvador, and Nicaragua sued the Secretary of Homeland Security, challenging the 2017 and 2018 terminations of the four countries' TPS designations. The district court preliminarily enjoined those termination decisions, but a divided three-judge panel of our court vacated the injunction. *Ramos v. Nielsen*, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), *vacated and remanded sub nom. Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020). We granted rehearing en banc, 59 F.4th 1010 (9th Cir. 2023), and heard oral argument on June 22, 2023.

In 2021 and 2022, the Secretary newly designated Haiti and Sudan for TPS.

* Secretary of Homeland Security Alejandro N. Mayorkas is substituted for former Acting Secretary Chad F. Wolf. Fed. R. App. P. 43(c)(2). The parties are directed to substitute other federal defendants before the district court as necessary.

See 86 Fed. Reg. 41863 (Aug. 3, 2021) (Haiti); 87 Fed. Reg. 23202 (April 19, 2022) (Sudan); *see also* 88 Fed. Reg. 5022 (Jan. 26, 2023) (Haiti extension). And the Secretary recently rescinded the terminations of El Salvador's and Nicaragua's TPS designations. *See* 88 Fed. Reg. 40282 (June 21, 2023) (El Salvador); 88 Fed. Reg. 40294 (June 21, 2023) (Nicaragua). Based on these developments, the Secretary, as appellant, moved to voluntarily dismiss this appeal under Federal Rule of Appellate Procedure 42(b)(2).

The motion for voluntary dismissal (Doc. 185) is GRANTED. This appeal is DISMISSED, each party to bear its own costs.

A copy of this order shall constitute the mandate of this court.