

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN IMMIGRATION COUNCIL
and TAHIRIH JUSTICE CENTER,

Plaintiffs,

v.

U.S. CUSTOMS AND BORDER
PROTECTION; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; and U.S.
DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

Civil Action No. 1:19-cv-02965-RC

JOINT MOTION TO STAY BRIEFING ON
DEFENDANTS' MOTION TO
RECONSIDER

JOINT MOTION TO STAY BRIEFING
ON DEFENDANTS' MOTION TO RECONSIDER

Defendants, U.S. Customs and Border Protection ("CBP"), U.S. Citizenship and Immigration Services ("USCIS"), and U.S. Department of Homeland Security ("DHS") (collectively, "Defendants"), and Plaintiffs, American Immigration Council ("AIC") and Tahirih Justice Center ("TJC"), each by its undersigned counsel, submit this joint motion to stay briefing on Defendants' pending motion to reconsider (ECF Nos. 51 & 52). The parties respectfully state as follows:

1. On March 11, 2022, the Court granted in part and denied in part the parties' respective motions for summary judgment in this Freedom of Information Act ("FOIA") matter. *See* Order (ECF No. 37) at 1. As relevant here, the Court granted Plaintiffs' motion regarding USCIS's redaction of U.S. Border Patrol agent names with respect to one document. *Id.*

2. On June 21, 2022, Defendants filed a motion to reconsider the Court's order to release the document with the unredacted names of Border Patrol agents who conducted credible fear interviews.

3. On July 8, 2022, the parties filed a joint status report (ECF No. 54) explaining that the parties were exploring a potential settlement that would resolve Defendants' motion without need for further judicial determinations. ECF No. 54 at ¶¶ 6-7. The parties requested leave to submit another joint status report in 30 days. *Id.* ¶ 8. The parties further requested an extension of Plaintiffs' deadline to respond to Defendants' motion until August 8, 2022 while the parties explore potential settlement. *Id.*

4. On July 8, 2022, the Court ordered the parties to file another joint status report on August 8, 2022. The Court further ordered Plaintiffs to file their response to Defendants' motion to reconsider by August 8, 2022.

5. The parties are continuing to explore a potential settlement. Defendants are exploring the feasibility of a tentative plan whereby Plaintiffs would provide Defendants with the names of individuals who received a credible fear interview during the time that the Credible Fear for U.S. Border Patrol program was ongoing and Defendants would inform Plaintiffs if the credible fear interview was conducted by a Border Patrol agent on Task Force assignment to USCIS or by a USCIS asylum officer. Plaintiffs have gathered information on the potential number of individuals impacted by the Credible Fear for U.S. Border Patrol program.

6. Because the parties are still exploring settlement, they respectfully request that the Court stay the briefing on Defendants' motion to reconsider to allow the parties to focus on these discussions. If the Court grants this motion, the parties propose notifying the Court within seven

(7) days of either (a) any agreement in principle to settle the issues involved in Defendants' motion to reconsider or (b) when either party determines that no settlement is possible.

Dated: July 29, 2022

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