

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

KILMAR ARMANDO ABREGO
GARCIA et al.,

Plaintiffs,

v.

KRISTI NOEM, Secretary of Homeland
Security, et al.,

Defendants.

Civil No.: 8:25-cv-00951-PX

**DEFENDANTS' MOTION FOR
MODIFIED SCHEDULE**

MOTION FOR A MODIFIED SCHEDULE

Defendants request that the Court modify its Amended Preliminary Injunction, ECF No. 41, to allow Defendants a reasonable period of time to evaluate the Supreme Court's order. The Supreme Court entered its order partially granting and partially denying Defendants' stay application after business hours last night. *See Abrego Garcia v. Noem*, 25A949, 604 U. S. ____ (2025) (filed Apr. 10, 2025). This Court's order followed several hours later.

The initial deadline contained in the Amended Preliminary Injunction, which requires Defendants to provide the Court with a plan for diplomatic engagement a mere 30 minutes into the business day following the Supreme Court's decision last night, is inconsistent with the Supreme Court's instruction that this Court "clarify its directive[] with *due regard* for the deference owed to the Executive Branch in the conduct of foreign affairs." *Id.* at 2 (emphasis added). That deference requires that

the Executive be given a meaningful opportunity to review the Supreme Court's decision before it is ordered to report what steps it will take in response to that decision. It would also be impracticable for Defendants to comply with the Court's 9:30AM deadline only a few hours after the Supreme Court issued an order in this case. The amended preliminary injunction further is inconsistent with the Supreme Court's express directive that the compliance "deadline in the challenged order is no longer effective." *Id.*

Defendants propose that the Court modify its order to allow Defendants until 5:00 p.m. on Tuesday, April 15, 2025, to submit its supplemental declaration, and to reschedule any hearing on this matter until Wednesday, April 16, 2025.

Respectfully Submitted,

Yaakov M. Roth

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/s/ Drew C. Ensign

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