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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Arizona Student Doe #2, Plaintiff, vs. Donald J. Trump, et al., Defendants.	CV-25-00175-TUC-AMM Defendants' Response to Plaintiff's Motion to Transfer

Undersigned counsel, specially appearing on behalf of the named defendants in their official capacity, responds in opposition to Plaintiff's Motion to Transfer (Doc. 12).[1] To date, Plaintiff has not disclosed his or her identity to the Defendants. As such, Defendants have had no opportunity to investigate the factual allegations in Plaintiff's Complaint nor compare them with other cases pending before this Court. Defendants request the opportunity to learn the identity of the Plaintiff and investigate the allegations in Plaintiff's Complaint before stating a position on transfer. At this point, Defendants are not clear that Plaintiff is actually similarly situated as Arizona Student Doe #1 due to the lack of information.

[1] Although not specifically listed as a form of relief requested, Plaintiff's form of proposed order also includes consolidation of this case with CV-25-00174 (Arizona Student Doe #1). At present, this motion only affects the instant case, as the Defendants are not treating it as a motion to consolidate. *See* Local Rule of Civil Procedure 42.1(c).

Defendants further object to Plaintiff's request for the continuance of the Court's Temporary Restraining Order ("TRO") that was issued without notice to Defendants. To date, Defendants have not had an opportunity to present factual defenses to the TRO because Plaintiff has withheld his or her identity. Importantly, according to U.S. Immigration and Customs Enforcement ("ICE"), the Student and Exchange Visitor Information System ("SEVIS") records for certain students have been restored to active, which may render Plaintiff's requested relief moot. *Outdoor Media Group, Inc. v. City of Beaumont*, 506 F.3d 895, 900 (9th Cir.2007) (A claim is moot "when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome. The basic question is whether there exists a present controversy as to which effective relief can be granted."). ICE also recently issued a policy regarding the termination of SEVIS records that may impact Plaintiff. Ex. 1, SEVIS Notice - Policy Regarding Termination of Records. Defendants have not had an opportunity to present these issues because Plaintiff is withholding his or her identity. Defendants further object to Plaintiff's request for a continuance of the Court's TRO for the reasons set forth in its Response to Plaintiff's Motion for TRO.[2]

Finally, Defendants object to Plaintiff's proposed form of order, which seeks to consolidate cases although Plaintiff's motion does not present that issue and instead reserves consolidation for a separate motion. Motion to Transfer, at n.3 ("Plaintiffs expect to request consolidation of the two cases already set before Judge Zipps pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. Should the court grant this motion, it is expected that a similar motion in this case will follow."). Again, Defendants request an opportunity to learn Plaintiff's identity and investigate the factual allegations of this case before providing its position on consolidation.

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[2] Rule 65 also requires that any TRO entered without notice expire after 14 days "unless before that time the court, for good cause, extends it for a like period" and "the reasons for an extension must be entered in the record." Fed. R. Civ. P. 65(b)(2).

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Respectfully submitted this 28th day of April, 2025.

TIMOTHY COURCHAINE
United States Attorney
District of Arizona

s/ Robert A. Fellrath
ROBERT A. FELLRATH
Assistant U.S. Attorney

Copy of the foregoing served electronically or by other means this 28th day of April, 2025, to:

Matthew H. Green, Esq.
Jesse Evans-Schroeder, Esq.

Exhibits:

1. SEVIS Notice – Policy Regarding Termination of Records