

No. 25-5724
(assigned to Judges Wardlaw, Mendoza, and Johnstone)

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL TPS ALLIANCE, et al.,
Appellees,

v.

KRISTI NOEM, et al.,
Appellants.

On Appeal from the United States District Court
for the Northern District of California
District Court Case No. 3:25-cv-1766-EMC

APPELLANTS' MOTION TO STAY CASE

Pursuant to Fed. R. App. P. 27, the Government hereby moves for a stay of the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal Appellants-Defendants. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal Appellants-Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of this case until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that Plaintiffs oppose this motion and intend to file a response within forty-eight hours.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

WILLIAM H. WEILAND
Acting Assistant Director

/s/ Jeffrey M. Hartman
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27, I certify that the text of this motion is in double-spaced, proportionally spaced 14-point Garamond type, and the motion contains 276 words in compliance with Ninth Circuit Rule 27-1(d).

/s/ Jeffrey M. Hartman
JEFFREY M. HARTMAN
Trial Attorney
Office of Immigration Litigation
Attorney for Appellants

Dated: October 1, 2025

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, counsel for Appellants electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the ACMS system and that service will be accomplished via the ACMS system.

/s/ Jeffrey M. Hartman
JEFFREY M. HARTMAN
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Office of Immigration Litigation
Attorney for Appellants