

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

STATE OF OKLAHOMA,

*Defendant.*

No. 25-cv-265-RAW-DES

**MOTION FOR A STAY IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of proceedings in the above-captioned case. This is the first time the United States of America has moved for a stay of proceedings in this matter. Opposing counsel consents Plaintiff's motion for a stay.

1. On August 7, 2025, in response to a Joint Motion for Entry of Consent Judgment (Doc. 9), Magistrate Judge D. Edward Snow issued a Report and Recommendation in this matter, addressing whether Okla. Stat. tit. 70, § 3242 and Oklahoma State Regents for Higher Education (OSRHE) Policy § 3.18.6 were preempted by federal immigration law. Doc. 11. On August 29, 2025, United States District Judge Ronald A. White adopted the Report and Recommendation, declaring that the challenged provisions, as applied to aliens who are not lawfully present in the United States, violate the Supremacy Clause and are unconstitutional and invalid. Docs. 22-23. The Court permanently enjoined Defendant from enforcing the invalid provisions as applied to aliens who are not lawfully present in the United States and this matter was closed. *Id.*

2. 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 Department does not know when such funding will be restored by Congress.
3. Absent an appropriation, Department of Justice attorneys 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.
4. On October 27, 2025, nearly two months after this matter was closed, the Oklahoma Students for Affordable Tuition filed an opposed motion to intervene. Doc. 24. The Government’s response to this motion is due November 10, 2025, under Local Civil Rule 7.1(d).
5. Due to the lapse of appropriations, undersigned counsel for the Department of Justice requests a stay of proceedings until Congress has restored appropriations to the Department.
6. 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 deadlines for the parties associated with the recently filed motion to intervene 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.

7. As required under Local Civil Rule 7.1(f), undersigned counsel contacted opposing counsel via telephone, as well as via email, on October 28 and October 30, 2025, to ascertain opposing counsel's position on this motion. Opposing counsel has consented to the relief requested in this motion.

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

DATED: October 30, 2025

Respectfully submitted,

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