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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 State of Arizona, et al.,

10 Plaintiff,

11 v.

12 Markwayne Mullin, et al.,

13 Defendants.
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No. CV-26-02857-PHX-SMB

**STIPULATED ORDER STAYING
CASE AND DEFERRING
PRELIMINARY INJUNCTION
BRIEFING**

15 Pursuant to the Joint Stipulated Motion to Stay Case and Defer Preliminary
16 Injunction Briefing (Doc. 18),

17 WHEREAS Plaintiff filed the Complaint in this action (Doc. 1) on April 24, 2026,
18 challenging Defendants' actions concerning property located at 13290 West Sweetwater
19 Avenue in Surprise, Arizona (the Surprise Facility);

20 WHEREAS, Plaintiff State of Arizona has conferred with Defendants about
21 Plaintiff's intention to file a preliminary injunction motion, seeking an order enjoining
22 Defendants from (1) taking actions to convert the Surprise Facility into an immigration
23 detention facility, and (2) detaining individuals at the Surprise Facility;

24 WHEREAS Plaintiff's intended motion would be based, in part, on allegations
25 that Defendants have proceeded with actions concerning the Surprise Facility without
26 first completing additional environmental review under the National Environmental
27 Policy Act (NEPA), 42 U.S.C. §§ 4321–4347.

28 WHEREAS Defendants have advised Plaintiff that Defendants have entered into a

1 consolidated contract that includes, among other things, performance obligations related
2 to NEPA analysis up to the level of an environmental assessment (EA) addressing the
3 proposed retrofitting and use of the Surprise Facility as an immigration detention center
4 and potential future work concerning the Surprise Facility; and

5 WHEREAS Defendants agree that, except as provided below in paragraphs 4 and
6 5, they will neither detain any individuals at the Surprise Facility nor take any action to
7 convert the Surprise Facility into an immigration detention center, including triggering
8 performance obligations under the consolidated contract to initiate construction,
9 demolition, retrofitting, or physical changes, before completion of a final EA and
10 issuance of an associated decision document, or completion of a final environmental
11 impact statement (EIS) and issuance of a Record of Decision (ROD) if Defendants
12 determine that an EIS is necessary, addressing the retrofitting and use of the Surprise
13 Facility as an immigration detention center.

14 **Now, therefore, the parties stipulate and the Court orders as follows:**

15 1. Defendants' deadline to answer or otherwise respond to the Complaint is
16 held in abeyance pending further order of the Court.

17 2. Absent a breach of the terms of this Order or a material change in
18 circumstances, Plaintiff will not file a motion for a preliminary injunction or motion for a
19 temporary restraining order until after the filing of the joint status report called for in
20 paragraph 3 below.

21 3. Within ten days of Defendants providing Plaintiff a copy of the agency
22 decision document that relies on a final EA addressing the retrofitting and use of the
23 Surprise Facility as an immigration detention center, or a final EIS and ROD if
24 Defendants determine that an EIS is necessary, the parties shall confer and submit a joint
25 status report to the Court proposing a schedule for future proceedings, including the filing
26 of any amended complaint, motion for a preliminary injunction, or responsive pleading.

27 4. From the date of this stipulated order until the end of the ten-day period
28 reflected in paragraph 3 above, Defendants shall not detain any individual at the Surprise

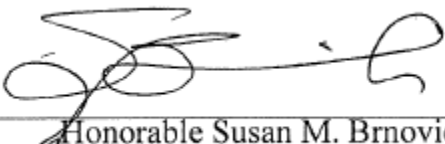
1 Facility or take actions to convert the Surprise Facility into an immigration detention
2 center, including triggering performance obligations under the consolidated contract to
3 initiate construction, demolition, retrofitting, or physical changes, except as provided
4 below in paragraph 5. Further, if Plaintiff advises Defendants within the ten-day period
5 reflected in paragraph 3 that Plaintiff intends to file a motion for a preliminary injunction,
6 Defendants shall not take actions to convert the Surprise Facility into an immigration
7 detention center, except as provided below in paragraph 5, until twenty-one (21) days
8 after Defendants provide Plaintiff with a copy of the final EA, or until the Court issues an
9 order allowing such activities, whichever is earlier.

10 5. Nothing in this stipulated order prohibits Defendants from preparing an EA
11 or conducting related NEPA analysis, design, planning, engineering, inspections, studies,
12 surveys, testing, due diligence, utility coordination, permitting or approval work,
13 communications with utilities or government entities, contract administration,
14 procurement activity, or contract modification, provided that Defendants do not detain
15 individuals at the Surprise Facility or undertake physical conversion work except as
16 otherwise permitted by this Order. Nothing in this Order prohibits physical activities that
17 are not undertaken to convert the Surprise Facility into an immigration detention center,
18 including but not limited to: installation, repair, maintenance, or replacement of
19 temporary or permanent fencing, including temporary fencing that does not involve
20 ground disturbance; installing, repairing, maintaining, or replacing security cameras,
21 lighting arranged to not direct light towards adjoining streets and properties, security
22 signage at access points and around the property, access-control measures, building
23 security alarm systems, temporary CCTV coverage with security trailers, locks, intrusion-
24 alarm systems, and guard shacks; fire-alarm and sprinkler-related monitoring, inspection,
25 repair, remediation, or maintenance, including water-damage remediation and
26 replacement or repair of damaged interior or exterior building components; ordinary
27 maintenance and repair of the roof, exterior walls, windows, doors, HVAC, electrical,
28 plumbing, fire-alarm, sprinkler, security, access-control, and related building systems,

1 including installation of additional HVAC units as necessary given the climate;
2 exercising plumbing valves, and conducting backflow-prevention testing and
3 certifications; custodial services, including cleaning, dusting, garbage removal, and trash
4 removal; gardening and grounds maintenance; pest control; maintaining the facility
5 structure and envelope to prevent leaks, breaches, and pest intrusion, including ensuring
6 that the roof, walls, windows, and doors remain secure; interior drywall demolition and
7 reconfiguration of office space solely for administrative, security, property-management,
8 or environmental-review support purposes, and not for detainee housing, intake,
9 processing, medical, kitchen, recreation, visitation, or detention operations; installation of
10 protective ballistic film over existing windows for site-security purposes; and
11 environmental, workplace-safety, and facility-safety compliance, including compliance
12 with applicable EPA and OSHA requirements. For avoidance of doubt, the foregoing list
13 is intended to be illustrative, and activities not included on this list are not prohibited by
14 this Order so long as they are not undertaken to convert the Surprise Facility into an
15 immigration detention center or to detain individuals there.

16 6. Defendants shall file a status report with the Court sixty days after entry of
17 this Order, and every sixty days thereafter until completion of the final EA and associated
18 decision document, or final EIS and ROD if Defendants determine that an EIS is
19 necessary, reflecting the status of the environmental-review process.

20 Dated this 8th day of July, 2026.

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24 Honorable Susan M. Brnovich
25 United States District Judge
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