

1 BRETT A. SHUMATE  
Assistant Attorney General  
2 Civil Division  
3 SAMUEL P. GO  
Assistant Director  
4 MARY L. LARAKERS  
Senior Litigation Counsel  
5 TIM RAMNITZ  
Senior Litigation Counsel  
6 CAROLYN D. DILLARD  
Trial Attorney  
7 OLGA Y. KUCHINS  
Trial Attorney  
8 AYSHA T. IQBAL  
Trial Attorney  
9 U.S. Department of Justice  
10 Office of Immigration Litigation  
General Litigation and Appeals Section  
11 P.O. Box 878, Ben Franklin Station  
12 Washington, DC 20044  
202-451-7672  
13 Aysha.T.Iqbal@usdoj.gov  
Attorneys for Defendants  
14

15 IN THE UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED FARM WORKERS, et al.,  
18 Plaintiffs,  
19 v.  
20 KRISTI NOEM, Secretary of the United States  
21 Department of Homeland Security, et al.,  
22 Defendants.  
23

No. 1:25-cv-00246-JLT-CDB

**DEFENDANTS' MOTION TO STAY  
LITIGATION PENDING APPEAL**

Date: December 1, 2025  
Time: 9:00 a.m.  
Place: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

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1 **NOTICE OF MOTION AND MOTION TO STAY LITIGATION PENDING APPEAL**

2 PLEASE TAKE NOTICE that on Monday, December 1, 2025, at 9:00 a.m., in the Courtroom of  
3 the Honorable Jennifer L. Thurston, Defendants, Kristi Noem, Secretary of the Department of Homeland  
4 Security, Rodney S. Scott, in his official capacity as Commissioner of U.S. Customs and Border  
5 Protection, Micheal W. Banks, Chief of U.S. Border Patrol, and Gregory K. Bovino, Chief Patrol Agent  
6 for El Centro Sector of the U.S. Border Patrol, will respectfully move this Court for a stay of litigation.

7 This motion is made upon this Notice, the attached Memorandum of Points and Authorities, and  
8 all pleadings, records, and other documents on file with the Court in this action, and upon such oral  
9 argument as may be presented at the hearing of this motion. Defendants also make this motion after  
10 counsel for the parties conferred via email on September 25 and September 29, 2025, pursuant to this  
11 Court's Standing Order. Plaintiffs' counsel confirmed that Plaintiffs would oppose Defendants' Motion  
12 to Stay Litigation Pending Appeal.

13  
14 DATED: October 17, 2025

Respectfully submitted,

15 BRETT A. SHUMATE  
16 Assistant Attorney General  
Civil Division

17 SAMUEL P. GO  
18 Assistant Director

19 MARY L. LARAKERS  
20 Senior Litigation Counsel

21 AYSHA T. IQBAL  
22 Trial Attorney  
23 United States Department of Justice  
24 Civil Division  
25 Office of Immigration Litigation  
26 P.O. Box 878, Ben Franklin Station  
27 Washington, DC 20044  
28 Tel.: (202) 451-7672  
Fax: (202) 305-7000  
Email: [Aysha.T.Iqbal@usdoj.gov](mailto:Aysha.T.Iqbal@usdoj.gov)  
DC Bar No. 241424  
*Attorneys for Defendants*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 On April 29, 2025, this Court issued a memorandum opinion and order granting Plaintiffs’ motion  
4 for a preliminary injunction (PI order). ECF No. 47; *United Farm Workers v. Noem*, \_\_\_ F. Supp. 3d \_\_\_,  
5 2025 WL 1235525 (E.D. Cal. 2025). Defendants now move the Court to the stay litigation in this case  
6 entirely, pending appeal of the Court’s April 29, 2025, PI order in the Ninth Circuit Court of Appeals, No.  
7 25-4047.<sup>1</sup> Defendants’ appeal of the Court’s PI order challenges this Court’s subject matter jurisdiction  
8 over the claims subject underlying the PI, and, by extension, this entire case. As such, “it makes no sense  
9 for [this case] to go forward while the court of appeals cogitates on whether there should be one.”  
10 *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 741 (2023) (citations omitted). The Supreme Court’s decision in  
11 *Coinbase*, based on the principle espoused in *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56  
12 (1982), requires a stay of litigation while the PI order is on appeal.

13 Further, this Court should stay litigation as a matter of discretion. As the Supreme Court’s order  
14 staying the preliminary injunction in *Noem v. Perdomo*, 606 U.S. \_\_\_, 2025 WL 2585637 (2025)  
15 illustrates, Defendants are likely to prevail on their arguments on appeal, including that Plaintiffs lack  
16 standing to seek prospective relief. Continuing to litigate this case, when this Court likely lacks jurisdiction  
17 over the entire case, would be an inefficient use of this Court’s and the parties’ resources. As the  
18 declaration of Carlos O. Cantú explains, the discovery Plaintiffs seek will be a significant drain on U.S.  
19 Customs and Border Protection’s resources. Ex. A, Cantú Discovery Declaration at ¶¶ 15-16. Moreover,  
20 due to the parties’ respective positions on the appropriate scope of discovery in this matter, Defendants  
21 expect the parties will be forced to call upon this Court to resolve discovery disputes. As such, a stay  
22 would allow the parties to eventually move forward with clarity from the Ninth Circuit on the scope of  
23 the remaining claims and would preserve judicial resources in the interim. Additionally, a stay of this

24  
25 \_\_\_\_\_  
26 <sup>1</sup> On October 6, 2025, the Court denied Defendants’ motion to stay due to a lapse in appropriations  
27 (ECF No. 103), citing the ongoing enforcement operations Plaintiffs are challenging. ECF No. 106.  
28 Because the Court has required litigation and briefing on the parties outstanding motions to proceed—to  
which this motion relates—Defendants now proceed with filing the instant motion to stay. Defendants  
were finalizing this motion prior to the lapse in appropriations on October 1, 2025.

1 litigation will not harm Plaintiffs because they are currently protected by this Court’s PI order, with which  
2 Defendants are duly complying. Therefore, this Court should stay this litigation pending appeal.

### 3 PROCEDURAL HISTORY

4 On February 26, 2025, Plaintiffs filed a complaint for declaratory and injunctive relief. ECF No.  
5 1, Compl. Plaintiffs allege that, over the course of a particular operation, U.S. Border Patrol (“USBP” or  
6 “Border Patrol”) engaged in a “pattern and practice” of violating the Fourth and Fifth Amendments, 8  
7 U.S.C. § 1357, and 8 C.F.R. § 287.8(c)(2)(ii). ECF No. 1. Specifically, Plaintiffs allege that in violation  
8 of the Fourth Amendment, 8 U.S.C. § 1357(a)(2), and 8 C.F.R. § 287.8(c)(2)(ii), Border Patrol Agents  
9 engaged in a pattern and practice of race-based stops and warrantless arrests without assessing flight risk.  
10 ECF No. 1 at ¶¶ 1-3, 236, 239, 326-45 (Claims I, II, and III) (Fourth Amendment claims). Plaintiffs further  
11 allege that in violation of the Fifth Amendment, after Border Patrol transferred arrestees to the El Centro  
12 Station, USBP agents engaged in a pattern and practice of coercing them into accepting voluntary  
13 departure to Mexico. *Id.*, at ¶¶ 234, 242-45 (Claim IV) (Fifth Amendment claim).

14 On March 7, 2025, Plaintiffs filed a motion for a preliminary injunction seeking to enjoin Border  
15 Patrol from conducting further operations in violation of the Fourth Amendment and 8 U.S.C. §  
16 1357(a)(2). *See generally* ECF Nos. 15, 15-1. The Court entered a preliminary injunction on Plaintiffs’  
17 Fourth Amendment and 8 U.S.C. § 1357(a)(2) claims, enjoining Border Patrol from conducting detentive  
18 stops in the absence of reasonable suspicion of unlawful presence and effecting warrantless arrests without  
19 considering flight risk. ECF No. 47 at 86-87. On June 26, 2025, Defendants filed an appeal of the Court’s  
20 orders on the Motion to Certify Class and Motion for Preliminary Injunction. ECF No. 59; *United Farm*  
21 *Workers of America, et al. v. Noem, et al.*, Case No. 25-4047 (9th Cir.).

22 On June 27, 2025, Plaintiffs served Defendants with 27 (twenty-seven) requests for production  
23 and 54 (fifty-four) requests for admissions. Defendants served responses on August 25, 2025. The parties  
24 remain in negotiations regarding the appropriate scope of discovery, the proposed protective order for the  
25 exchange of confidential information, and the stipulation regarding the exchange of electronically stored  
26 information.

27 On July 14, 2025, Defendants filed a motion to dismiss Plaintiffs’ complaint. *See* ECF No. 64. On  
28 August 25, 2025, Plaintiffs filed their response in opposition to Defendants’ motion to dismiss. *See* ECF

1 No. 74. Defendants filed their reply on September 25, 2025. *See* ECF No. 102. On August 29, 2025,  
2 Plaintiffs filed a Motion to Enforce Preliminary Injunction (ECF No. 81) and Defendants’ response was  
3 filed on October 10, 2025. *See* ECF No. 112.

4 Defendants filed their opening brief in the Ninth Circuit on September 26, 2025. No. 25-4047,  
5 ECF No. 12. In their brief, Defendants argue that this Court abused its discretion in issuing the injunction  
6 because there is no likelihood of future injury in this case, in light of the Supreme Court’s decision in *City*  
7 *of Los Angeles v. Lyons*, 461 U.S. 95 (1983). And the Supreme Court’s recent decision granting a stay in  
8 *Perdomo*, 606 U.S. \_\_\_, 2025 WL 2585637, endorses a straightforward application of *Lyons*: Plaintiffs must  
9 show that they themselves will likely be imminently stopped in the absence of reasonable suspicion, and  
10 arrested without consideration of flight risk. Next, Defendants argue that the intervening steps taken by  
11 Border Patrol have rendered the claims underlying the PI moot. Further, for the same reasons that Plaintiffs  
12 lack standing and because their claims are moot, Plaintiffs also cannot meet their burden of showing they  
13 are likely to suffer irreparable harm absent an injunction; *i.e.*, that they would allegedly be subject again  
14 to suspicionless stops and warrantless arrests without consideration of flight risk. And finally, Defendants  
15 argue that the district court’s injunction is an impermissible “follow the law” injunction.

#### 16 LEGAL STANDARDS

17 “The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction  
18 on the court of appeals and divests the district court of its control over those aspects of the case involved  
19 in the appeal.” *Griggs*, 459 U.S. at 58. This principle espoused in *Griggs* “requires an automatic stay of  
20 district court proceedings that relate to *any aspect* of the case involved in the appeal.” *Coinbase, Inc.*, 599  
21 U.S. at 741 (emphasis added); *see also City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254  
22 F.3d 882, 886 (9th Cir. 2001) (“the filing of a notice of interlocutory appeal divests the district court of  
23 jurisdiction over the particular issues involved in that appeal.”)

24 District courts also have the discretionary authority to stay proceedings. “[T]he power to stay  
25 proceedings is incidental to the power inherent in every court to control the disposition of the causes on  
26 its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*,  
27 299 U.S. 248, 254 (1936). That power applies “especially in cases of extraordinary public moment,” when  
28 “a plaintiff may be required to submit to delay not immoderate in extent and not oppressive in its

1 consequences if the public welfare or convenience will thereby be promoted.” *Clinton v. Jones*, 520 U.S.  
2 681, 707 (1997), citing *Landis*, 299 U.S. at 256. In determining whether to grant a stay of proceedings,<sup>2</sup>  
3 courts consider several factors, including: “the possible damage which may result from the granting of a  
4 stay, the hardship or inequity which a party may suffer in being required to go forward, and the orderly  
5 course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of  
6 law which could be expected to result from a stay.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)  
7 (citing *Landis*, 299 U.S. at 254-55). The party requesting a stay bears the burden of showing that the  
8 circumstances justify an exercise of that discretion. *See, e.g., Clinton*, 520 U.S. at 708.

### 9 ARGUMENT

10 This Court should stay further proceedings in this case as required by the Supreme Court’s decision  
11 in *Coinbase, Inc.*, 599 U.S. at 741. Because Defendants’ appeal raises issues regarding this Court’s subject  
12 matter jurisdiction to consider the claims underlying the PI, arguments that also apply to the Fifth  
13 Amendment claim (*see* MTD), this entire case is necessarily “involved in the appeal” and must be stayed.  
14 It is impermissible for a district court to exercise jurisdiction over issues that are the subject of an appeal.  
15 *See City of Los Angeles, Harbor Div.*, 254 F.3d at 886.

16 Alternatively, a stay is also warranted as a matter of discretion. A decision on Defendants’ appeal  
17 will materially impact the significant legal issues in this case, and a stay pending appeal would streamline  
18 the questions of law and promote the orderly course of justice. Moreover, Plaintiffs would not suffer  
19 hardship from a stay of proceedings because Plaintiffs are protected by the PI order in the interim.  
20 Conversely, Defendants will have to undertake significant discovery efforts that may ultimately be  
21 unnecessary if and when the claims are narrowed or dismissed. *See* Ex. A. Therefore, the balance of factors  
22 weighs in favor of granting a discretionary stay of proceedings pending the PI appeal.

23  
24 <sup>2</sup> In the context of a motion to stay a particular order, courts apply the discretionary factors outlined  
25 in *Nken v. Holder*, 556 U.S. 418, 434 (2009): “(1) whether the stay applicant has made a strong showing  
26 that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a  
27 stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding;  
28 and (4) where the public interest lies.” *See Flores*, 675 F. Supp. 3d 1052, 1057 (E.D. Cal. 2023) (“Because  
the district courts that have addressed both tests have consistently applied *Nken* only to stays of judgments  
and *Landis* to stays of proceedings, the Court uses the *Nken* factors to evaluate Defendants’ request to stay  
enforcement of the preliminary injunction and relies on the *Landis* test to evaluate the request to stay the  
proceedings pending the interlocutory appeal.”).

1 I. *Coinbase Requires a Stay of Litigation.*

2 Consistent with the Supreme Court’s recent decision in *Coinbase, Inc.*, 599 U.S. at 741, this Court  
3 must stay this case while the Court of Appeals considers the threshold jurisdictional questions at the heart  
4 of this litigation. As the Supreme Court recognized, where the issue on appeal is whether the case belongs  
5 in district court at all, “the entire case is essentially ‘involved in the appeal.’” *Coinbase, Inc.*, 599 U.S. at  
6 741 (citing *Griggs*, 459 U.S. at 58). “[I]t makes no sense for [a case] to go forward while the court of  
7 appeals cogitates on whether there should be one.” *Id.* Here, the issues pending before the Court of Appeals  
8 include (1) whether there is jurisdiction to consider the claims that are the subject of the PI, given that  
9 Plaintiffs lack standing to seek prospective relief and the claims are moot, (2) whether the PI is an  
10 impermissible “follow the law” injunction, (3) whether Plaintiffs established irreparable harm, (4) and  
11 whether a classwide injunction is prohibited by 8 U.S.C. § 1252(f)(1). Therefore, consistent with the  
12 Supreme Court’s decision in *Coinbase*, this entire case is “involved in the [preliminary injunction]  
13 appeal,” because the appeal concerns the scope of this Court’s jurisdiction—a decision on which is sure  
14 to impact the proceedings in this case. Moreover, because the Supreme Court’s *Perdomo* stay order signals  
15 that the government is likely to succeed on the merits of the appeal in that case, which invokes an identical  
16 Article III standing challenge, the government is also likely to ultimately succeed on the merits of its  
17 appeal on the same issue.<sup>3</sup> Accordingly, the Court should stay further proceedings in this case pending the  
18 outcome of the preliminary injunction appeal.

19 The Supreme Court’s decision in *Coinbase* is not just limited to interlocutory appeals regarding  
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21 <sup>3</sup> Importantly, Justice Kavanaugh—writing in concurrence with the majority—found that the  
22 Government made a sufficient showing to obtain a stay pending appeal and emphasized the significance  
23 of the Government’s interests in immigration enforcement, while stressing the need of the Judiciary to not  
24 “improperly restrict reasonable Executive Branch enforcement of the immigration laws.” *See Perdomo*,  
25 606 U.S. \_\_\_, 2025 WL 2585637, at \*5 (Kavanaugh, J., concurring). Furthermore, Justice Kavanaugh  
26 found that the Government demonstrated a strong prospect of reversal of the district court’s TRO based  
27 on two alternative grounds: (1) Plaintiffs likely lack Article III standing under *Los Angeles v. Lyons*, 461  
28 U.S. 95 (1983) for a broad injunction which restricts immigration officers from making the purported  
violative investigative stops; and (2) even assuming standing, the government has a fair prospect of  
succeeding on the Fourth Amendment issue and onerous restriction of what constitutes “reasonable  
suspicion.” *Id.* at \*2-3 (Kavanaugh, J., concurring). Not only is the government likely to prevail on the  
merits, but Justice Kavanaugh further noted the government’s likely irreparable harm and outweighing  
equities that also weighed in favor of staying the district court’s injunction. *Id.* at \*3-5.

1 arbitration. *City of Martinsville, Virginia v. Express Scripts, Inc.*, 128 F.4th 265, 270-71 (4th Cir. 2025).  
2 “In relying on *Griggs*, *Coinbase* did not discriminate between arbitration and other appeals. . .” *Id.* at 271.  
3 “*Coinbase* confirmed that *Griggs* was not a makeshift guideline with limited sweep but a general principle  
4 about the allocation of power among multiple courts with claims over the same case.” *Id.* at 272. The  
5 Ninth Circuit’s decision in *California by and through Harrison v. Express Scripts, Inc.*, 139 F.4th 763  
6 (9th Cir. 2025), does not compel the opposite conclusion. In *California*, the Ninth Circuit was asked to  
7 stay a district court order remanding the case to state court. The Court, in considering whether to stay that  
8 remand order, and by extension, stay the litigation, held that *Coinbase* does not extend to the federal  
9 officer removal context specifically because staying remand orders in this context implicates serious  
10 federalism concerns not raised in the typical case. *Id.* at 768. Here, *Coinbase* and *Griggs* apply in full  
11 force. There are no federalism concerns here and no rationale for ignoring the “*Griggs* principle”—which  
12 was not limited to arbitration—and which the Supreme Court expressly held “resolves [*Coinbase*].”  
13 *Coinbase*, 599 U.S. 741.

14       Indeed, following the Ninth Circuit’s decision in *California*, district courts have continued to apply  
15 the *Griggs* principle to stay litigation where appropriate and required. *See, e.g., Newsom v. Trump*, No.  
16 25-cv-04870-CRB, 2025 WL 2609917, at \*2 (N.D. Cal., Sept. 9, 2025) (staying proceedings while the  
17 issue on appeal before the Ninth Circuit is “inextricably tied up with the merits of Plaintiffs’ new  
18 motion.”); *S.L. et al. v. Cnty. of Riverside et al.*, No. 5:24-cv-00249, 2025 WL 2652874, at \*4-7 (C.D.  
19 Cal., Sept. 15, 2025) (finding that the claim that is on appeal is automatically stayed as the court is divested  
20 of jurisdiction over that claim, and further, exercising discretionary power to stay proceedings on the  
21 remaining claims in the interest of judicial efficiency). The Supreme Court expressly held that any part of  
22 a case “involved in the appeal, big or small, it lies beyond the district court’s reach because two courts  
23 should not attempt to assert jurisdiction over a case simultaneously.” *Express Scripts, Inc.*, 128 F.4th at  
24 271 (internal quotations omitted). As such, *Coinbase* not only counsels for a stay in this matter, but  
25 requires it.

26       Courts within the Ninth Circuit, both before and after *Coinbase*, have recognized that a stay of  
27 litigation is appropriate pending interlocutory appeals. For example, in *American Encore v. Fontes*, where  
28 the preliminary injunction was on appeal, the court, applying *Griggs*, decided that “most—if not all—of

1 the substantive legal issues in this case are implicated in the pending interlocutory appeal. The Ninth  
2 Circuit could disagree with this Court’s findings in the appealed preliminary injunction order. And this  
3 Court is bound by whatever the Ninth Circuit decides.” *See* No. CV-24-01673, 2025 WL 1839464, at \*3  
4 (D. Ariz., Jun. 26, 2025). And in *California v. Health and Human Services*, the parties had initially  
5 stipulated to a stay pending appeal, but plaintiffs sought to lift the stay, and the court declined to lift the  
6 stay, finding it would be improper per *Griggs* because the Ninth Circuit was reviewing issues of standing  
7 and mootness in the appeal of the court’s preliminary injunction order. *See* No. 27-cv-05783, 2018 WL  
8 11671579, at \*1 (N.D. Cal., Dec. 13, 2018); *see also Brown v. Google, LLC*, No. 4:20-cv-03664-YGR,  
9 2024 WL 5682633, at \*2 (N.D. Cal., Nov. 8, 2024) (finding a stay was required, per *Griggs*, where there  
10 were “‘aspects of the case involved in the appeal’ intertwined with the Court’s consideration of the  
11 motions pending before it.”); *Renard v. San Diego Unified Port District*, No. 06-CV-2665 H (BLM), 2007  
12 WL 9724156, at \*2 (S.D. Cal., Mar. 20, 2007) (finding the court lacks jurisdiction over a motion to  
13 reconsider a denial of injunctive relief that addresses aspects of the case that are involved in the appeal);  
14 *Newsom*, No. 25-cv-04870-CRB, 2025 WL 2609917, at \*2. Additionally, although the Court’s PI order  
15 did not address Plaintiffs’ Fifth Amendment Voluntary Departure claims, those claims are also necessarily  
16 “involved in the appeal” because Defendants’ standing arguments on appeal also apply to Plaintiffs’ Fifth  
17 Amendment claims seeking prospective relief. Specifically, Plaintiffs lack standing to seek prospective  
18 relief all together because they cannot show *they* are likely to be subject to the *same injury* again based on  
19 an isolated, completed operation that forms the basis of the complaint. And, even if those claims were not  
20 determined to be involved in the appeal, Courts regularly stay claims related to interlocutory appeals where  
21 there is the potential that “[t]he appeal will simplify issues and questions of law for the case moving  
22 forward.” *See BioCorRx, Inc. v. Calista Therapeutics, Inc.*, No. 8:24-cv-00640-JVS-JDE, 2024 WL  
23 4472376, at \*3 (C.D. Cal., Aug. 14, 2024) (finding the court lacks jurisdiction over issues involved in the  
24 appeal and also staying aspects of the case not involved in the appeal to promote economy of time and  
25 efficiency so that all claims can proceed simultaneously). As such, because “the Court simply cannot  
26 proceed where it does not have jurisdiction to do so,” the Court should stay proceedings entirely pending  
27 the appeal. *Id.* at \*2.

1           II.    *The Court Should Stay the Litigation as a Matter of Discretion.*

2           A stay of merits proceedings pending the final resolution of Defendants’ appeal is likewise  
3 warranted as a matter of discretion. The balance of factors, including: “the possible damage which may  
4 result from the granting of a stay, the hardship or inequity which a party may suffer in being required to  
5 go forward, and the orderly course of justice measured in terms of the simplifying or complicating of  
6 issues, proof, and questions of law which could be expected to result from a stay,” establishes the  
7 importance of a stay. *See CMAX, Inc.*, 300 F.2d at 268 (citing *Landis*, 299 U.S. at 254-55). Defendants’  
8 pending appeal implicates important legal issues that the parties and the Court will necessarily have to  
9 address in future proceedings, including whether Plaintiffs have standing to seek prospective relief, and  
10 whether those claims are now moot. An appellate decision on those issues will thus provide the Court and  
11 the parties with significant aid in the ultimate resolution of this case.

12           The first *CMAX* factor supports a stay. There is no risk of damage, and Plaintiffs would not suffer  
13 hardship as a result of a stay of proceedings, because they are currently protected by a preliminary  
14 injunction. At this time, there is no need for discovery to proceed, and the policies and practices of the  
15 agencies that are at issue can be discovered at any time should this case proceed after the appeal. Because  
16 this case presents purely legal issues, this Court can swiftly issue relief on any claims that survive appellate  
17 review.

18           Conversely, as to the second *CMAX* factor, there is great potential for harm to Defendants absent  
19 a stay given the time and expense of classwide discovery. The Cantú Discovery Declaration outlines the  
20 onerous, layered process required for the review and production of responsive discovery documents. Ex.  
21 A. At the outset, the parties have not yet even agreed on search terms or a search protocol, and there  
22 remain pending preliminary items over which the parties anticipate litigating, such as the terms of the  
23 protective order and electronically stored information protocol. *Id.* at ¶ 10. Once the discovery parameters  
24 are finalized, and the documents are pulled from the search, the agency estimates that the documents  
25 produced, based on a sample search for documents associated with a fraction of the potential custodians,  
26 would require at least “3,333 hours of attorney time to complete, including review for responsiveness,  
27 sensitive information, and privileged information, and application of appropriate redactions.” *Id.* at ¶ 15.

28           Likewise, the third *CMAX* factor counsels for granting a stay. If the Government is successful on

1 appeal—as it has preliminarily been in *Perdomo*—this entire case will be narrowed exponentially and any  
2 classwide discovery the parties will have already conducted will have been a waste of scarce agency  
3 resources. Given that a decision from the Ninth Circuit would potentially narrow the scope of the claims,  
4 simplify the issues, and provide clarity on the scope of discovery, it is a significant waste of resources for  
5 Defendants to proceed with discovery and litigation at this juncture.

6 Numerous other district courts have recognized the futility in continuing to litigate in the district  
7 court while an appeal is pending. *See, e.g., Finder v. Leprino Foods Company*, No. 1:13-CV-02059-AWI-  
8 BAM, 2017 WL 1355104, at \*4 (E.D. Cal., Jan. 20, 2017) (“Allowing the Ninth Circuit to conclusively  
9 resolve the validity of roughly half of Plaintiffs’ claims (the type of which have escaped review in the  
10 past) will dramatically clear the landscape of this action.”); *Gilbert v. 7-Eleven, Inc.*, No. 2:21-cv-01984  
11 WBS KJN, 2023 WL 8477959, at \*1 (E.D. Cal., Dec. 7, 2023) (staying Plaintiff’s motion for attorney’s  
12 fees in the interest of judicial economy where the Defendant filed a notice of appeal “[b]ecause defendant’s  
13 appeal presumably involves the issue of whether plaintiff proved a violation of the Americans with  
14 Disabilities Act and the Unruh Act, the appeal may resolve whether plaintiff is entitled to any attorney’s  
15 fees at all.”). Courts have also recognized that a stay is appropriate where “going forward with discovery  
16 could cause appreciable hardship for Defendants.” *Coalition on Homelessness v. City and County of San*  
17 *Francisco*, No. 22-cv-05502-DMR, 2024 WL 815552, at \*9 (N.D. Cal., Feb. 23, 2024) (considering the  
18 *Landis* factors); *Electric Solidus, Inc. v. Proton Management Ltd.*, No. 2:24-cv-08280, 2025 WL 1712363,  
19 at \*4 (C.D. Cal., May 27, 2025) (“[J]udicial efficiency weighs in favor of a stay, as the *Coinbase* stay  
20 creates a practical dilemma where judicial resources may be wasted considering the substantial overlap  
21 between operative facts, witnesses, and legal issues, which threatens duplicative discovery and conflicting  
22 rulings.”). On balance, a stay of proceedings is merited under the *Landis* factors. At a minimum, the Court  
23 must stay further litigation on the Fourth Amendment, 8 U.S.C. § 1357(a)(2), and 8 C.F.R. §  
24 287.8(c)(2)(ii) claims, but in the interest of economy, and based on the balance of factors, should stay the  
25 entire litigation. Accordingly, this Court should stay any further litigation on the merits of Plaintiffs’  
26 claims pending the resolution of jurisdictional issues involved in the appeal of the preliminary injunction.

**CONCLUSION**

For the compelling reasons discussed above, the Court should stay this litigation pending appeal.

DATED: October 17, 2025

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division

SAMUEL P. GO  
Assistant Director

MARY L. LARAKERS  
Senior Litigation Counsel

/s/ Aysha T. Iqbal  
AYSHA T. IQBAL  
Trial Attorney  
United States Department of Justice  
Civil Division  
Office of Immigration Litigation, GLA  
P.O. Box 878, Ben Franklin Station  
Washington, DC 20044  
Tel.: (202) 451-7672  
Fax: (202) 305-7000  
Email: [Aysha.T.Iqbal@usdoj.gov](mailto:Aysha.T.Iqbal@usdoj.gov)  
DC Bar No. 241424  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

On October 17, 2025, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Eastern District of California, using the electronic case filing system of the Court. I hereby certify that I have served counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/ Aysha T. Iqbal*  
AYSHA T. IQBAL  
Trial Attorney