

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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INTERNATIONAL REFUGEE  
ASSISTANCE PROJECT, *et al.*,

Plaintiffs-Appellees,

v.

DONALD TRUMP, in his official capacity  
as President of the United States, *et al.*,

Defendants-Appellants.

No. 17-2231 (L)

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IRANIAN ALLIANCES ACROSS  
BORDERS, *et al.*,

Plaintiffs-Appellees,

v.

DONALD TRUMP, in his official capacity  
as President of the United States, *et al.*,

Defendants-Appellants.

No. 17-2232

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EBLAL ZAKZOK, *et al.*,

Plaintiffs-Appellees,

v.

DONALD TRUMP, in his official capacity  
as President of the United States, *et al.*,

Defendants-Appellants.

No. 17-2233

**MOTION TO ESTABLISH BRIEFING SCHEDULE REGARDING  
MOTION FOR STAY PENDING APPEAL**

These consolidated appeals concern Presidential Proclamation No. 9645, “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or other Public-Safety Threats,” 82 Fed. Reg. 45,161 (Sept. 27, 2017). The Proclamation was issued after the Department of Homeland Security, in consultation with the Department of State and Director of National Intelligence, conducted a global review of foreign governments’ information-sharing practices and risk factors, culminating in a decision by the Acting Secretary of Homeland Security to recommend that the President impose entry restrictions on certain nationals of eight countries that were deemed inadequate or otherwise problematic. The Proclamation imposes country-specific restrictions that, in the President’s judgment, would most likely “encourage cooperation” in information sharing and “protect the United States until such time as improvements occur.” *Id.* at 45,164.

On October 17, 2017, the district court issued a preliminary injunction that bars the defendants (except the President) from enforcing Section 2 of the Proclamation to exclude nationals of the identified countries except for North Korea and Venezuela, and except with respect to individuals who lack a credible claim of a bona fide relationship with a person or entity in the United States, as defined in the court’s accompanying memorandum opinion. The district court granted the

preliminary injunction on a global basis, rendering it applicable to “all places, including the United States, at all United States borders and ports of entry, and in the issuance of visas, with the above exceptions, pending further orders from [the] court.”

Earlier today, the government filed notices of appeal in each of these three cases, which have been consolidated for purposes of appeal, and moved for an emergency stay pending appeal and an administrative stay.

For the reasons set forth below, defendants-appellants respectfully request that the Court adopt the following briefing schedule for the remainder of the briefing regarding the government’s stay motion:

Response to Motion:      October 24, 2017

Reply:                              October 26, 2017

This proposed schedule gives plaintiffs ample time to respond to the government’s motion for a stay pending appeal, and is appropriate given the urgency of the issues at stake, which involve the district court’s second-guessing of a presidential determination that country-specific restrictions on the entry of aliens is necessary to encourage information-sharing by those countries and to protect against risks to the national security.

Plaintiffs in each of these consolidated appeals object to this motion and propose instead that their response to the motion be due October 27 and a reply be

due October 30. We respectfully believe that allowing a full week for plaintiffs to respond to our stay motion is unnecessary and fails to reflect the gravity of the issues presented in these appeals and the need to protect the public interest while the Court considers the appeals.

For the foregoing reasons, we respectfully request the Court to issue a briefing schedule making a response to the government's motion for a stay pending appeal in these consolidated appeals due October 24, 2016, and a reply due October 26, 2017.

Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion complies with the type-face requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2)(A). This motion contains 513 words, excluding the parts of the motion excluded by Federal Rules of Appellate Procedure 27(d)(2) and 32(f).

s/Sharon Swingle  
Sharon Swingle

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of October, 2016, I filed the foregoing motion by use of the Fourth Circuit's CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

s/Sharon Swingle  
Sharon Swingle