

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

S.A., et al.,  
Plaintiffs,  
v.  
DONALD J. TRUMP, et al.,  
Defendants.

Case No. 18-cv-03539-LB

**ORDER DENYING MOTION TO  
STAY CASE**

Re: ECF No. 57

On January 8, 2019, the defendants moved to stay the case because the appropriations act funding the Department of Justice (DOJ) has expired and appropriations to the DOJ have lapsed.<sup>1</sup> The defendants request a stay of all case deadlines until Congress restores appropriations to the DOJ.<sup>2</sup> The defendants state that absent appropriations, “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.’”<sup>3</sup>

<sup>1</sup> Defs. Mot. to Stay – ECF No. 57 at 2 (¶ 1). Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

<sup>2</sup> Id. (¶ 3).

<sup>3</sup> Id. (¶ 2) (quoting 31 U.S.C. § 1342).

1 On January 10, 2019, the plaintiffs filed an opposition to the defendants’ motion. The plaintiffs  
2 argue that the CAM Parole Program beneficiaries at issue in this case are at specific and ongoing  
3 risk of harm and this case therefore involves the safety of human life.<sup>4</sup> The plaintiffs also note that  
4 the parties have already completed a full round of briefing and had oral argument on the pending  
5 motion for a preliminary injunction; the defendants’ current deadline is for only a limited response  
6 to the plaintiffs’ limited supplemental briefing and thus, the plaintiffs argue, will not be  
7 particularly burdensome to the defendants.<sup>5</sup> The plaintiffs state that they are willing to meet and  
8 confer with the defendants about a limited, reasonable extension of the briefing schedule if needed  
9 but that they oppose the defendants’ proposed stay, which threatens to extend the defendants’  
10 response date and delay the case indefinitely.<sup>6</sup>

11 Courts faced with similar requests in similar situations have denied governmental motions to  
12 stay. See, e.g., Doe v. Nielsen, No. 3:18-cv-03539-LB, slip op. at 2 (N.D. Cal. Jan. 10, 2019), ECF  
13 No. 59 (citing cases); O.A. v. Trump, No. 1:18-cv-02718-RDM, minute order (D.D.C. Dec. 27,  
14 2018). This court likewise denies the defendants’ motion to stay here. This order constitutes  
15 express legal authorization for the government to continue litigating this case under the  
16 Antideficiency Act. Cf. Doe, slip op. at 2 (court order denying stay constitutes “authoriz[ation] by  
17 law” for the government to continue litigating under 21 U.S.C. § 1342); accord U.S. Dep’t of  
18 Justice, FY2019 Contingency Plan at 3 (Sept. 11, 2018), available at [https://www.justice.gov/  
19 jmd/page/file/1015676/download](https://www.justice.gov/jmd/page/file/1015676/download) (last visited Jan. 11, 2019) (reaching the same conclusion). The  
20 parties should continue to meet and confer in good faith regarding the briefing schedule and other  
21 matters in this case as necessary and appropriate.

22 **IT IS SO ORDERED.**

23 Dated: January 11, 2019



24 LAUREL BEELER  
25 United States Magistrate Judge

26 <sup>4</sup> Pls. Mot. to Stay Opp’n – ECF No. 59 at 3–4.

27 <sup>5</sup> Id. at 5.

28 <sup>6</sup> Id. at 2, 5.