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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,  
Plaintiffs,  
v.  
DONALD J. TRUMP, et al.,  
Defendants.

Case No. [19-cv-00872-HSG](#)

**ORDER DIRECTING DEFENDANTS  
TO SUBMIT STATEMENT**

SIERRA CLUB, et al.,  
Plaintiffs,  
v.  
DONALD J. TRUMP, et al.,  
Defendants.

Case No. [19-cv-00892-HSG](#)

The Court hereby DIRECTS Defendants to submit a statement of no more than ten (10) pages by 5:00 p.m. PDT on May 15, 2019, providing the Court with updated information concerning the status of funds proposed to be used for border barrier construction under the various disputed statutes. Defendants' statement must cover the following topics:

- (1) To the extent any information about the status and/or use of funds contained in Defendants' oppositions to the pending motions for preliminary injunction has changed, updated information;
- (2) The total amount of funds that DOD has made, and intends to make available in the next six months, to DHS in response to any DHS request this fiscal year for DOD assistance under Section 284;

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- (3) Of the total amount of funds identified in (2), how much is attributable to funds transferred (or to be transferred) into the counter-narcotics support line of the Drug Interdiction and Counter-Drug Activities, Defense, account under Section 8005;
- (4) The amount of unobligated funds that were in the counter-narcotics support line of the Drug Interdiction and Counter-Drug Activities, Defense, account before any Section 8005 reprogramming;
- (5) The outcome of the requested "detailed assessment of whether and how specific military construction projects could support the use of the armed forces in addressing the national emergency at the southern border," which Defendants have represented was due by May 10, 2019, *see* Case No. 19-cv-00872, Dkt. No. 89-10 ("Rapuno Decl.") ¶ 14; and
- (6) The outcome of the request for various personnel "to identify, by May 10, 2019, existing military construction projects of sufficient value to provide up to \$3.6 billion of funding for [the Acting Secretary of Defense's] consideration," *id.* ¶ 15.

**IT IS SO ORDERED.**

Dated: 05/13/2019

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge