

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMIRA ASSRAN SHALABI,


Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATE, *et al.*,

Defendants.

Civil Action No. 23-cv-09948-VSB

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J.

In the interest of judicial efficiency, Plaintiff's request for a stay is GRANTED until November 19, 2024. Plaintiff is directed to submit a status letter by November 19, 2024 setting forth her position as to whether this case is moot. The Clerk of Court is respectfully directed to stay this case.

Dated: September 25, 2024

PLAINTIFF'S OPPOSED MOTION TO STAY PROCEEDINGS

Plaintiff, through her undersigned counsel, hereby respectfully moves the Court to stay the proceedings in the above-captioned action. The grounds for this motion are as follows:

1. On November 10, 2023, Plaintiff filed her Complaint seeking to compel a decision by the United States Department of State (the "Department") on Plaintiff's spouse visa application. ECF No. 1.
2. Defendants filed a Motion to Dismiss ("Motion") on March 21, 2024. ECF No. 21.
3. Plaintiff filed her opposition on April 4, 2024, and Defendants filed their reply on April 11, 2024. ECF No. 24-25.

4. On September 20, 2024, the Embassy requested Plaintiff's spouse to submit an updated medical exam and his passport.
5. Rather than continuing with the litigation of this issue at this time, and out of concern for valuable judicial resources, Plaintiff is requesting to stay the case to allow Plaintiff's spouse to submit the requested documentation which could render further litigation unnecessary.
6. This Court "has broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997); *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). The Court should consider whether a stay would promote judicial economy and the hardship and burden on the respective parties if a stay is granted. See *Nat'l Ass'n for Advancement of Colored People v. United States Dep't of Homeland Sec.*, No. CV DKC 18-0239, 2020 WL 1331998, at *3 (D. Md. 2020) (granting stay); *Int'l Refugee Assistance Project v. Trump*, 323 F. Supp. 3d 726, 730 (D. Md. 2018) (same).
7. A stay is appropriate in this case because it would promote judicial economy.
8. In the interests of judicial economy, a stay would avoid the unnecessary and burdensome expenditure of the parties' and this Court's resources that would be required to adjudicate the numerous jurisdictional and

merits issues presented in this action. Moreover, no hearings have been scheduled in this action, and there are no pending deadlines. Therefore, a stay would not affect any current proceedings in this Court.

9. Plaintiff's counsel contacted Defendants' counsel to discuss jointly requesting a stay of the proceedings. Defendants do not consent. It is Defendants' position that the action should be dismissed for the reasons set forth in Defendants' pending motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), *see* ECF Nos. 21, 22, 23, and 25, and if another reason for dismissal/mootness arises while the matter remains *sub judice*, Defendants will alert the court at that time.

10. If the case is stayed, Plaintiff agrees to file a status report on November 19, 2024 (*i.e.*, 60 days from the date of the filing of this motion) apprising the Court of the status of Plaintiff's spouse visa application. Depending on the result of the Department's consideration of the further information provided by Plaintiff's spouse, Plaintiff may dismiss the case as moot.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order staying this case.

Dated: September 23, 2024

Respectfully submitted,

/s/ Michael Samuel

Michael Samuel, Esq. (MS 7997)
The Samuel Law Firm
1441 Broadway
Suite 6085
New York, NY 10018
(O) (212) 563-9884
(E) michael@samuelandstein.com

/s/ James O. Hacking, III
James O. Hacking, III (*Pro Hac Vice*)
MO Bar # 46728
Hacking Immigration Law, LLC
10121 Manchester Road, Suite A
St. Louis, MO 63122
(O) 314.961.8200
(F) 314.961.8201
(E) jim@hackingimmigrationlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on 23rd day of September 2024, the foregoing document was filed electronically, and a copy was served via the Court's electronic filing system upon:

Joseph Anthony Pantoja
United States Attorney

/s/ Michael Samuel
MICHAEL SAMUEL
The Samuel Law Firm

/s/ James O. Hacking, III
JAMES O. HACKING, III
Hacking Immigration Law, LLC