

BRETT A. SHUMATE
Assistant Attorney General
DREW C. ENSIGN
Deputy Assistant Attorney General
CHARLES E.T. ROBERTS
Counsel to the Assistant Attorney General
Civil Division
ELIANIS N. PEREZ
Assistant Director
CATHERINE M. RENO
Senior Litigation Counsel
SUSAN ANSARI
Trial Attorney
Office of Immigration Litigation

Attorneys for the United States

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF NEW YORK; ERIC L. ADAMS, Mayor
of The City of New York, in his official
capacity; NEW YORK CITY COUNCIL;
ADRIENNE E. ADAMS, Speaker of the New
York City Council, in her official capacity;
NEW YORK CITY DEPARTMENT OF
CORRECTION; LYNELLE MAGINLEY-LIDDIE,
Commissioner of the New York City
Department of Correction, in her official
capacity; NEW YORK CITY DEPARTMENT OF
PROBATION; JUANITA N. HOLMES,
Commissioner of the New York City
Department of Probation, in her official
capacity; NEW YORK CITY POLICE
DEPARTMENT; JESSICA S. TISCH,
Commissioner of the New York City Police
Department, in her official capacity,

Defendants.

No. 1:25-cv-4084 (RER)

MOTION FOR A STAY IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby requests to stay the entire case in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the Plaintiff. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Plaintiff 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.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the entire case until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations—i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that they have no objection to this motion, provided that Defendants’ Motion to Dismiss is scheduled to be filed on or after November 3, 2025.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the entire case in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

DATED: October 1, 2025

BRETT A. SHUMATE
Assistant Attorney General
DREW C. ENSIGN
Deputy Assistant Attorney General
CHARLES E.T. ROBERTS
Counsel to the Assistant Attorney General
Civil Division

ELIANIS N. PEREZ
Assistant Director

SUSAN ANSARI
Trial Attorney

/s/ Catherine M. Reno
CATHERINE M. RENO
Senior Litigation Counsel
United States Department of Justice
Civil Division
Office of Immigration Litigation
General Litigation and Appeals Section
P.O. Box 868
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 353-8557
Fax: (202) 305-7000
Email: catherine.m.reno@usdoj.gov

Attorneys for the United States

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with Local Civil Rule 7.1(b) and (c) because the motion contains 286 words and it has been prepared using Microsoft Word 2016 in proportionally spaced, double-spaced 12-point Garamond typeface.

/s/ Catherine M. Reno
Catherine M. Reno

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Catherine M. Reno
Catherine M. Reno