

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

No. 17- 5276

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ROCHELLE GARZA, as guardian ad litem to unaccompanied minor J.D.,
on behalf of herself and others similarly situated, JANE ROE on behalf of herself and
others similarly situated; and JANE POE,
Plaintiffs-Appellees,

v.

ERIC D. HARGAN, *et al.*,
Defendants-Appellants.

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
APPELLANTS' REPLY IN STAY OF TRO APPEAL, AND OPPOSED
MOTION TO EXTEND RESPONSE TIME FOR PUBLIC FILING OF
AGENCY DECISION**

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

AUGUST E. FLENTJE
Special Counsel
Civil Division

ERNESTO H. MOLINA
Deputy Director
Office of Immigration Litigation
Civil Division

CATHERINE H. DORSEY
Attorney, Appellate Staff
Civil Division

W. DANIEL SHIEH
SABATINO F. LEO
Trial Attorneys
Office of Immigration Litigation
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044

On December 18, 2017, this Court issued an order setting the deadline for the government's reply on December 19, 2017 at 3:00PM. On December 19, 2017, this Court issued a separate order on its own motion "that the government either file on this court's public docket, with redactions necessary to avoid revealing Jane Poe's personal or identifying information, a copy of the "Decision by Director Scott Lloyd for Jane Poe with attached note to file" that was filed under seal on the district court docket as ECF No. 72; or show cause why it cannot do so. The government is directed to comply with this order by no later than 3:00 p.m."

Appellants respectfully request that this Court give the government a brief enlargement of time, until 9:00 p.m., with respect to both orders. Plaintiffs have indicated that they do not oppose additional time for the reply, but that they do not consent to this request with respect to the document order.

The basis for this request for six additional hours is that the Office of Refugee Resettlement ("ORR") determined this morning that Appellee Jane Roe ("Ms. Roe") is, in fact, nineteen years old, not seventeen as previously believed. The determination was made after ORR obtained a copy of Ms. Roe's certificate of birth from her home country. Accordingly, ORR is currently transferring custody of Ms. Roe to the Department of Homeland Security ("DHS") as an adult. ORR believes this transfer will be completed imminently. The transfer of custody to DHS's Immigration and Customs Enforcement will materially affect the viability and review of the District Court's December 18, 2017 Temporary Restraining Order issued against ORR.

For the foregoing reasons, Appellants respectfully request that the Court grant an enlargement of time to file the Appellants' reply in these proceedings until 9:00PM this evening, December 19, 2017. Appellees do not object to this request. Appellants also request an extension of time until 9:00PM this evening, December 19, 2017, to file its response regarding whether to publicly file a redacted copy of the "Decision by Director Scott Lloyd for Jane Poe with attached note to file." Appellees do not consent to that request.

DATED: December 19, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

AUGUST E. FLENTJE
Special Counsel

ERNESTO H. MOLINA
Deputy Director
Office of Immigration Litigation

CATHERINE H. DORSEY
Attorney, Appellate Staff
Civil Division

BY: /s/ W. Daniel Shieh
W. DANIEL SHIEH
SABATINO F. LEO
JOSEPH A. DARROW
Trial Attorneys
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044

Phone: (202) 305-9802

Fax: (202) 305-1890

daniel.shieh@usdoj.gov

sabatino.f.leo@usdoj.gov

joseph.a.darrow@usdoj.gov

Attorneys for Defendants-Appellants in their official capacities

CERTIFICATE OF SERVICE

I certify that on December 19, 2017, I electronically filed the foregoing with the Clerk of Court by using paper copy, and will deliver a copy to all counsel of record.

/s/ W. Daniel Shieh
W. DANIEL SHIEH
Trial Attorney
Office of Immigration Litigation

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Motion complies with the type-volume limitation of Fed. R. App. P. 27 because it contains 366 words. This Motion complies with the typeface and the type style requirements of Fed. R. App. P. 27 because this brief has been prepared in a proportionally spaced typeface using Word 14-point Garamond typeface.

/s/ W. Daniel Shieh
W. DANIEL SHIEH
Trial Attorney
Office of Immigration Litigation