

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-01018-KAS

EMMANUIL MANOUKIAN,

Petitioner,

v.

WARDEN, Aurora Detention Center; and
FIELD OFFICE DIRECTOR, Immigration and Customs Enforcement, Denver Field
Office,

Respondents.

**RESPONDENTS' EMERGENCY MOTION TO VACATE AND RESET
OCTOBER 1, 2025 EVIDENTIARY HEARING
DUE TO LAPSE IN CONGRESSIONAL APPROPRIATIONS**

Respondents move, under Fed. R. Civ. P. 6(b), to vacate and reset the evidentiary hearing set for this afternoon, October 1, 2025, at 1:30 p.m., to a date convenient to the Court that is 14 days from now or seven days after the date on which Congress has restored appropriations to the Department of Justice (whichever is later). Respondents seek this extension, on an emergency basis given the hearing is set for this afternoon, on the following grounds:

1. At the end of the day on September 30, 2025 (that is, late last night), the appropriations that had been funding the Department of Justice expired, and appropriations to the Department lapsed. The same is true for most Executive Branch agencies. It is uncertain when funding will be restored.

2. Absent an appropriation, Department of Justice attorneys who are not in an "excepted" position are prohibited by law 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. Most Assistant United States Attorney positions in the Civil Division are not deemed to be “excepted” positions. Accordingly, both undersigned counsel have been placed on furlough status, which is “the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons.” 5 U.S.C. § 7511(a)(5).¹

3. Because it is unknown how long this funding lapse will continue, and because undersigned counsel have been placed on furlough status and are not permitted to work during the lapse, Respondents move to vacate and reset the evidentiary hearing set for this afternoon to a date convenient to the Court that is 14 days from now, or seven days after the date on which Congress has restored appropriations to the Department of Justice, whichever is later. Respondents greatly regret any disruption caused to the Court and the other litigants.

4. If this motion is granted, undersigned counsel will notify the Court when Congress has appropriated funds for the Department by filing a status report within three business days after such appropriation.

5. If the Court denies this motion or does not rule on it by 1:30 p.m. today (the scheduled time for the evidentiary hearing), Respondents’ counsel will seek to be

¹ Government employees being placed on furlough status are permitted to perform four hours of orderly shutdown activities, including filing motions for extension of time such as this one.

deemed “excepted” solely for purposes of representing Respondents at that hearing.²

6. Undersigned counsel certify, under D.C.COLO.LCivR 6.1(b), that Respondents have not previously filed any motions to extend any deadlines or to reset any hearings in this case.

7. Undersigned counsel certify, under D.C.COLO.LCivR 6.1(c), that a copy of this motion will be served on Petitioner and upon agency counsel, as a representative for Respondents.

8. Undersigned counsel certify under D.C.COLO.L.CivR 7.1(a) that undersigned counsel conferred about this motion with Petitioner’s counsel and was informed that Petitioner opposes this motion.

9. Pursuant to D.C.COLO.LCivR 7.1(g), a proposed order is filed herewith.

For the reasons set forth above, Respondents respectfully request that Court issue an order vacating and resetting the evidentiary hearing to a date convenient to the Court at least 14 days from now, or seven days after the date on which Congress has restored appropriations to the Department of Justice, whichever is later.

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² Undersigned counsel includes this information for the Court’s and the parties’ planning purposes, given the hearing is imminently scheduled for this afternoon.

Dated this 1st day of October, 2025.

Respectfully submitted,

PETER MCNEILLY
United States Attorney

s/ Jane Bobet Rejko
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Counsel for Respondents

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on October 1, 2025, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to those CM/ECF participants in this case registered in the ECF system.

s/ Jane Bobet Rejko
United States Attorney's Office