

1 BRETT A. SHUMATE
2 Assistant Attorney General
3 ANTHONY NICASTRO
4 Acting Director
5 JOHN W. BLAKELEY
6 Senior Counsel for Appellate Litigation
7 NANCY N. SAFAVI (TX Bar No. 24042342)
8 Senior Trial Attorney
9 MICHAEL D. ROSS (SC Bar No. 73986)
10 Trial Attorney
11 Office of Immigration Litigation
12 Civil Division
13 U.S. Department of Justice
14 P.O. Box 878, Ben Franklin Station
15 Washington, DC 20044
16 Phone: (202) 742-7118
17 Email: michael.d.ross@usdoj.gov
18 Attorneys for Defendants

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
16 EASTERN DIVISION
17

18 DARWIN ANTONIO AREVALO
19 MILLAN, on his own and on behalf of
others similarly situated,

20 Petitioner-Plaintiff,

21 v.

22 DONALD J. TRUMP, in his official
23 capacity as President of the United
States, *et al.*,

24 Respondents-Defendants.

No. 5:25-cv-01207-JWH-PD

**RESPONDENTS-DEFENDENTS' EX
PARTE APPLICATION TO STAY
PROCEEDINGS IN LIGHT OF LAPSE
OF APPROPRIATIONS**

Honorable John W. Holcomb
United States District Judge

1 The United States of America hereby moves for a stay of proceedings in the
2 above-captioned case.

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

7 2. Absent an appropriation, Department of Justice attorneys and employees of
8 the federal Defendants are prohibited from working, even on a voluntary basis, except in
9 very limited circumstances, including “emergencies involving the safety of human life or
10 the protection of property.” 31 U.S.C. § 1342.

11 3. Undersigned counsel for the Department of Justice therefore requests a stay
12 of proceedings in this case until Congress has restored appropriations to the Department.

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

18 5. In an email exchange earlier today, Counsel for Petitioner-Plaintiff
19 indicated that he opposes this motion. However, counsel for Petitioner-Plaintiff kindly
20 agreed to cancel a teleconference scheduled for this afternoon to discuss his forthcoming
21 motion for summary judgment. *See* ECF 66 (Joint Status Report) at 1 (noting intent to
22 file a motion for summary judgment).

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

27
28 DATED this 1st day of October, 2025.

1 Respectfully submitted,

2 BRETT A. SHUMATE
3 Assistant Attorney General

4 ANTHONY NICASTRO
5 Acting Director

6 JOHN W. BLAKELEY
7 Senior Counsel for Appellate Litigation

8 NANCY N. SAFAVI
9 Senior Trial Attorney

10 /s/ Michael D. Ross
11 MICHAEL D. ROSS (SC Bar No. 73986)
12 Trial Attorney
13 U.S. Department of Justice
14 P.O. Box 878, Ben Franklin Station
15 Washington, DC 20044
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for the Federal Defendants certifies that this brief contains 258 words which complies with the word limit of Local Rule 11-6.1.

/s/ Michael D. Ross

MICHAEL D. ROSS

Trial Attorney

U.S. Department of Justice