

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JACIEL CIRRUS ROJAS,

Petitioner,

v.

Case No. 25-CV-1437

SAMUEL OLSON, Field Office Director,  
Chicago Field Office, Immigration and  
Customs Enforcement; SCOTT SMITH,  
Jail Administrator, Dodge County Jail,

Respondents.

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**CIVIL L.R. 7(h) EXPEDITED NON-DISPOSITIVE  
MOTION FOR STAY OF PROCEEDINGS**

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Respondents Samuel Olson, Field Office Director, Chicago Field Office, U.S. Immigration and Customs Enforcement, and Scott Smith, Jail Administrator Dodge County Jail (collectively the "Respondents"), by and through undersigned counsel, respectfully move for a stay of further proceedings in this case until such time as Congress has restored appropriations to the United States Department of Justice ("Department").

In support of this motion, Respondents submit the following:

1. On September 30, 2025, the United States Attorney's Office was served by the Clerk with the Court's Rule 4 Screening Order (ECF 5), directing Respondents to respond to the habeas petition and motion for a temporary restraining order. Based on the Court's subsequent text only order (ECF 6), the Respondents' deadline is October 3, 2025.

2. However, at the end of the day on September 30, 2025, the appropriations act that had been funding the Department, including the United States Attorney's Offices, expired and

appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

3. Absent appropriations, Department attorneys 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.

4. Undersigned counsel therefore requests a stay of further proceedings in this case—including the Respondents’ October 3, 2025 deadline—until Congress has restored funding to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. Respondents request that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

6. Petitioner’s counsel opposes a stay.

For these reasons, Respondents respectfully request that the Court stay all further proceedings in this case until Department attorneys are permitted to resume their usual civil litigation functions. Undersigned counsel greatly regrets this disruption. A proposed order will be submitted for the Court’s consideration

Dated at Milwaukee, Wisconsin this 1st day of October 2025.

Respectfully submitted,

RICHARD G. FROHLING  
Acting United States Attorney

By: *s/ Luke Sinclair*

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