

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:19-cv-01597-VLB**

Connecticut v. U.S. Department of Homeland Security
et al
Assigned to: Judge Vanessa L. Bryant
Cause: 05:702 Administrative Procedure Act

Date Filed: 10/10/2019
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: Federal Question

Plaintiff

State of Connecticut

represented by **Joshua Perry**
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V.

Defendant

**U.S. Department of Homeland
Security**

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ATTORNEY TO BE NOTICED

Defendant

Kevin McAleenan
*in his official capacity as Acting
Secretary of the Department of
Homeland Security*
TERMINATED: 03/18/2020

represented by **Benton York**
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LEAD ATTORNEY
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Eric Conrad Steinhart
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John W. Larson

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Defendant

U.S. Citizenship and Immigration Services
TERMINATED: 03/18/2020

represented by **Benton York**
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Eric Conrad Steinhart
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John W. Larson
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Defendant

Kenneth T. Cuccinelli
in his Official Capacity as Acting Director of U.S. Citizenship and Immigration Services
TERMINATED: 03/18/2020

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Eric Conrad Steinhart
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Defendant

U.S. Immigration & Customs Enforcement
TERMINATED: 03/18/2020

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Eric Conrad Steinhart
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John W. Larson

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ATTORNEY TO BE NOTICED

Defendant

Matthew T. Albence
*in his official capacity as Acting
Director for U.S. Immigration and
Customs Enforcement
TERMINATED: 03/18/2020*

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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Eric Conrad Steinhart
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*LEAD ATTORNEY
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John W. Larson
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Defendant

U.S. Department of Justice
TERMINATED: 03/18/2020

represented by **Benton York**
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*LEAD ATTORNEY
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Eric Conrad Steinhart
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*LEAD ATTORNEY
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John W. Larson
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Defendant

William P. Barr
*in his official capacity as United
States Attorney General
TERMINATED: 03/18/2020*

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Eric Conrad Steinhart
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John W. Larson

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ATTORNEY TO BE NOTICED

Defendant

**Executive Office for Immigration
Review**

TERMINATED: 03/18/2020

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LEAD ATTORNEY
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Eric Conrad Steinhart
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John W. Larson
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ATTORNEY TO BE NOTICED

Defendant

James Mchenry

*in his official capacity as Director of
the Executive Office for Immigration
Review*

TERMINATED: 03/18/2020

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John W. Larson
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Defendant

US Department of State

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Eric Conrad Steinhart
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Defendant

Michael R. Pompeo
*In his official capacity as Secretary
of State*

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Eric Conrad Steinhart
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Defendant

Chad Wolf
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Eric Conrad Steinhart
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Defendant

Alejandro Mayorkas

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Date Filed	#	Docket Text
10/10/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400 receipt number ACTDC-5480134.), filed by State of Connecticut. (Attachments: # <u>1</u> Exhibit Attachment 1 BIA decision, # <u>2</u> Exhibit Attachment 2 USCIS letter, # <u>3</u> Exhibit Attachment 3 DOJ letter)(Chapple, Margaret) (Entered: 10/10/2019)
10/10/2019		Request for Clerk to issue summons as to All Defendants. (Chapple, Margaret) (Entered: 10/10/2019)
10/10/2019	<u>2</u>	NOTICE of Appearance by Vanessa Roberts Avery on behalf of State of Connecticut (Avery, Vanessa) (Entered: 10/10/2019)
10/10/2019		Judge Vanessa L. Bryant added. (Anastasio, F.) (Entered: 10/11/2019)

10/10/2019	3	Order on Pretrial Deadlines: Amended Pleadings due by 12/9/2019; Discovery due by 4/10/2020; Dispositive Motions due by 5/15/2020. Signed by Clerk on 10/10/2019. (Velez, F.) (Entered: 10/11/2019)
10/10/2019	4	ELECTRONIC FILING ORDER FOR COUNSEL - PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER. Signed by Judge Vanessa L. Bryant on 10/10/2019. (Velez, F.) (Entered: 10/11/2019)
10/10/2019	5	STANDING PROTECTIVE ORDER. Signed by Judge Vanessa L. Bryant on 10/10/2019. (Velez, F.) (Entered: 10/11/2019)
10/10/2019	6	ORDER RE: Judge's Chambers Practices. Counsel are directed to read and comply with the Chambers Practices and Standing Orders prior to filing any document. So ordered. Signed by Judge Vanessa L. Bryant on 10/10/2019. (Velez, F.) (Entered: 10/11/2019)
10/11/2019	7	NOTICE TO COUNSEL/SELF-REPRESENTED PARTIES: Counsel or self-represented parties initiating or removing this action are responsible for serving all parties with attached documents and copies of 2 Notice of Appearance filed by State of Connecticut, 1 Complaint, filed by State of Connecticut, 4 Electronic Filing Order, 5 Standing Protective Order, 3 Order on Pretrial Deadlines, 6 Order Re: Chambers Practices. Signed by Clerk on 10/11/2019. (Velez, F.) (Entered: 10/11/2019)
10/11/2019	8	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement* with answer to complaint due within *60* days. Attorney *Margaret Q. Chapple* *Attorney General's Office, Employment Rights* *55 Elm St., PO Box 120* *Hartford, CT 06141-0120*. (Velez, F.) (Entered: 10/11/2019)
11/06/2019	9	NOTICE of Appearance by Joshua Perry on behalf of State of Connecticut (Perry, Joshua) (Entered: 11/06/2019)
11/26/2019	10	AFFIDAVIT of Service for Complaint served on All defendants and U.S. attorney on 10/28, filed by State of Connecticut. (Perry, Joshua) (Entered: 11/26/2019)
12/10/2019	11	NOTICE of Appearance by Thomas Benton York on behalf of Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, U.S. Citizenship and Immigration Services, U.S.

		Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement (York, Thomas) (Entered: 12/10/2019)
12/20/2019	12	Consent MOTION for Extension of Time until 1/27/2020 for Defendants' Responsive Pleading by Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement. (York, Thomas) (Entered: 12/20/2019)
12/23/2019	13	ORDER granting 12 Motion for Extension of Time until 1/27/2020 for Defendants' Responsive Pleading. Signed by Judge Vanessa L. Bryant on 12/23/2019. (Nault, James) (Entered: 12/23/2019)
12/23/2019		Answer deadline to 1/27/2020 per Dkt. 13 Order. (Shafer, J.) (Entered: 12/26/2019)
01/27/2020	14	MOTION to Dismiss by Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement. Responses due by 2/17/2020 (Attachments: # 1 Memorandum in Support of Motion to Dismiss)(York, Thomas) (Entered: 01/27/2020)
01/27/2020	15	EXHIBIT <i>in Support of Defendants' Motion to Dismiss</i> by Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement re 14 MOTION to Dismiss . (Attachments: # 1 Exhibit A -- Murphy (BIA 2002), # 2 Exhibit B -- Walton (BIA 2019))(York, Thomas) (Entered: 01/27/2020)
01/28/2020	16	NOTICE of Appearance by John W. Larson on behalf of Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement (Larson, John) (Entered: 01/28/2020)
02/14/2020	17	First MOTION for Extension of Time to File Response/Reply as to 14 MOTION to Dismiss until 3/18/20 by State of Connecticut. (Perry, Joshua) (Entered: 02/14/2020)

02/14/2020	18	ORDER granting 17 Motion for Extension of Time to File Response/Reply re 14 MOTION to Dismiss. Responses due by 3/18/2020. Signed by Judge Vanessa L. Bryant on 02/14/2020. (Nault, James) (Entered: 02/14/2020)
03/18/2020	19	AMENDED COMPLAINT against All Defendants, filed by State of Connecticut.(Perry, Joshua) (Entered: 03/18/2020)
03/18/2020		Request for Clerk to issue summons as to US Department of State. (Perry, Joshua) (Entered: 03/18/2020)
03/18/2020		Request for Clerk to issue summons as to Michael R. Pompeo. (Perry, Joshua) (Entered: 03/18/2020)
03/19/2020	20	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *US Department of State* with answer to complaint due within *60* days. Attorney *Joshua Perry* *Connecticut Office of the Attorney General* *55 Elm Street* *Hartford, CT 06106*. (Shafer, J.) (Entered: 03/19/2020)
03/19/2020	21	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Michael R. Pompeo* with answer to complaint due within *60* days. Attorney *Joshua Perry* *Connecticut Office of the Attorney General* *55 Elm Street* *Hartford, CT 06106*. (Shafer, J.) (Entered: 03/19/2020)
03/27/2020	22	MOTION for Extension of Time until May 18, 2020 for DHS and Sec. Wolf's Response to Plaintiff's Amended Complaint by Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, US Department of State, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, Michael R. Pompeo, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement, Chad Wolf. (York, Thomas) (Entered: 03/27/2020)
03/28/2020	23	ORDER granting Defendants' 22 Consent Motion for Extension of Time until 05/18/2020 for DHS and Sec. Wolf's Response to Plaintiff's Amended Complaint. Signed by Judge Vanessa L. Bryant on 03/28/2020. (Nault, James) (Entered: 03/28/2020)
03/28/2020		Answer deadline updated for U.S. Department of Homeland Security and Chad Wolf to 5/18/2020 per Dkt. 23. (Shafer, J.) (Entered: 03/30/2020)
05/18/2020	24	MOTION to Dismiss <i>Plaintiff's First Amended Complaint</i> by Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, US Department of State, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, Michael R. Pompeo, U.S. Citizenship and Immigration Services, U.S. Department of

		<p>Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement, Chad Wolf. Responses due by 6/8/2020</p> <p>(Attachments: # 1 Memorandum in Support of Motion to Dismiss)(York, Thomas) (Entered: 05/18/2020)</p>
05/19/2020	25	<p>EXHIBIT <i>in Support of Defendants' Motion to Dismiss Plaintiff's First Amended Complaint</i> by US Department of State, Michael R. Pompeo, U.S. Department of Homeland Security, Chad Wolf re 24 MOTION to Dismiss <i>Plaintiff's First Amended Complaint</i>. (Attachments: # 1 Exhibit A -- Walton (2020), # 2 Exhibit B -- Dus Declaration)(York, Thomas) (Entered: 05/19/2020)</p>
06/01/2020	26	<p>Consent MOTION for Extension of Time until 7/8/20 Response to Motion to Dismiss by State of Connecticut. (Perry, Joshua) (Entered: 06/01/2020)</p>
06/02/2020	27	<p>ORDER granting 26 Consent Motion for Extension of Time to Respond to 24 Motion to Dismiss until 7/8/2020. Signed by Judge Vanessa L. Bryant on 06/02/2020. (Nault, James) (Entered: 06/02/2020)</p>
06/02/2020		<p>Reset deadline as to 24 MOTION to Dismiss Plaintiff's Complaint: response is now due by 7/8/2020 per Dkt. 27. (Shafer, J.) (Entered: 06/02/2020)</p>
07/02/2020	28	<p>Joint MOTION for Extension of Time to File Response/Reply as to 24 MOTION to Dismiss <i>Plaintiff's First Amended Complaint</i> until 8/7/2020 by US Department of State, Michael R. Pompeo, U.S. Department of Homeland Security, Chad Wolf. (York, Thomas) (Entered: 07/02/2020)</p>
07/03/2020	29	<p>ORDER granting the Parties' Joint 28 Motion for Extension of Time to File Response/Reply re 24 MOTION to Dismiss <i>Plaintiff's First Amended Complaint</i> until 8/7/2020. Response due by 8/7/2020. Signed by Judge Vanessa L. Bryant on 7/3/2020. (Nault, James) (Entered: 07/03/2020)</p>
08/05/2020	30	<p>Joint MOTION to Continue <i>the Deadline for Plaintiff to File its Opposition Brief</i> by Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, US Department of State, Executive Office for Immigration Review, Kevin McAleenan, James Mchenry, Michael R. Pompeo, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement, Chad Wolf. (York, Thomas) (Entered: 08/05/2020)</p>

08/06/2020	31	ORDER granting the Parties' 30 Joint Motion to Continue Plaintiff's response to Defendants' 24 Motion to Dismiss, with a Joint Status Report to be filed on or before 8/31/2020 . Signed by Judge Vanessa L. Bryant on 8/6/2020. (Nault, James) (Entered: 08/06/2020)
08/06/2020		Set deadline: Joint Status Report due by 8/31/2020 per Dkt. 31 Order. (Shafer, J.) (Entered: 08/06/2020)
08/31/2020	32	Joint STATUS REPORT by US Department of State, Michael R. Pompeo, U.S. Department of Homeland Security, Chad Wolf. (York, Thomas) (Entered: 08/31/2020)
09/03/2020	33	ORDER denying Defendants' 14 Motion to Dismiss Plaintiff's 1 Original Complaint as moot in light of Plaintiff's follow-on, timely 19 Amended Complaint and Defendants' 24 Motion to Dismiss same. Signed by Judge Vanessa L. Bryant on 9/3/2020. (Nault, James) (Entered: 09/03/2020)
09/24/2020	34	NOTICE of Settlement <i>in Principle and Joint Motion to Continue</i> by US Department of State, Michael R. Pompeo, U.S. Department of Homeland Security, Chad Wolf (York, Thomas) (Entered: 09/24/2020)
09/25/2020	35	ORDER DISMISSING CASE as settled. The parties have reported that this case has settled in principle pending approval of the settlement agreement. Rather than continue to keep the case open on the docket, the Clerk is directed to terminate this file without prejudice to reopening on or before 3/25/2021 . If the parties wish to file a stipulation of dismissal (for approval by the Court or simply for inclusion in the Court's file), they may do so on or before 3/25/2021 . The date set forth in this order may be extended for good cause in accordance with Local Rule 7(b). Signed by Judge Vanessa L. Bryant on 9/25/2020. (Nault, James) (Entered: 09/25/2020)
09/25/2020	36	ORDER denying 24 Motion to Dismiss as moot in light of the Court's Dkt. 35 Order Dismissing Case without prejudice. Signed by Judge Vanessa L. Bryant on 9/25/2020. (Nault, James) (Entered: 09/25/2020)
09/25/2020		JUDICIAL PROCEEDINGS SURVEY - FOR COUNSEL ONLY: The following link to the confidential survey requires you to log into CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed and it is not sent

		<p>directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link:</p> <p>https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey (Shafer, J.) (Entered: 09/25/2020)</p>
03/25/2021	37	<p>MOTION to Reopen Case by State of Connecticut.Responses due by 4/15/2021 (Attachments: # 1 Exhibit Exhibit A -- DHS Statement, # 2 Exhibit Exhibit B -- Kimanie Graham)(Perry, Joshua) (Entered: 03/25/2021)</p>
03/25/2021	38	<p>Memorandum in Opposition to <i>Defendant's Motion to Dismiss, ECF No. 24</i> re 37 MOTION to Reopen Case filed by State of Connecticut. (Attachments: # 1 Exhibit Exhibit A - Graham Pardon, # 2 Exhibit Exhibit B -- Kimanie Graham, # 3 Exhibit Exhibit C - DHS Statement)(Perry, Joshua) (Entered: 03/25/2021)</p>
04/07/2021	39	<p>MOTION for Clarification <i>Regarding Briefing Schedule</i> by US Department of State, Michael R. Pompeo, U.S. Department of Homeland Security, Chad Wolf. (Attachments: # 1 Exhibit A -- 4/7/21 Email)(York, Thomas) (Entered: 04/07/2021)</p>
04/08/2021	40	<p>ORDER granting Plaintiff's 37 Motion to Reopen Case and granting Defendants' 39 Motion for Clarification through clarification of the Parties' briefing schedule. The case is being reopened because the case, though reported settled in principle, did not settle as DHS maintains "the INA § 237(a)(2)(A)(vi) pardon waiver clause may reasonably be interpreted to either include or exclude such a pardon." Thus the issue raised by Plaintiff appears ripe and not moot. D. Conn. L. Civ. R. 7(a)(4) ("the Court may rule on a motion before expiration of the period ordinarily permitted for filing opposition papers."). Defendants' 24 Motion to Dismiss is hereby reinstated. "Reply memoranda are not required and the absence of a reply memorandum will not prejudice the moving party. Any reply memorandum... must be filed within fourteen (14) days of the filing of the responsive memorandum to which reply is being made, as computed under Fed.R.Civ.P. 6. A reply memorandum may not exceed 10 pages." D. Conn. L. Civ. R. 7(d). Should Defendants desire to file a Reply Brief to their 24 Motion to Dismiss, which is not required, they may do so by 4/22/2021, as Plaintiff's 38 Opposition to Defendants' 24 Motion to Dismiss did not become effective until today. Signed by Judge Vanessa L. Bryant on 4/8/2021. (Nault, James) (Entered: 04/08/2021)</p>

04/08/2021	41	ORDER: It is hereby ordered that the Parties must file on or before 4/22/2021 : (1) a written statement signed by all counsel of record demonstrating that this case is exempt from the requirement of filing a form 26(f) report; or (2) a form 26(f) report. Signed by Judge Vanessa L. Bryant on 4/8/2021. (Nault, James) (Entered: 04/08/2021)
04/08/2021		Set deadline: Rule 26 Meeting Report due by 4/22/2021 per Dkt. 41 Order. (Shafer, J.) (Entered: 04/08/2021)
04/22/2021	42	Joint REPORT of Rule 26(f) Planning Meeting. (Perry, Joshua) (Entered: 04/22/2021)
04/22/2021	43	REPLY to Response to 24 MOTION to Dismiss <i>Plaintiff's First Amended Complaint</i> filed by US Department of State, Michael R. Pompeo, U.S. Department of Homeland Security, Chad Wolf. (Attachments: # 1 Exhibit A -- Thompson BIA Decision, # 2 Exhibit B -- Luangpraeseuth Joint Motion, # 3 Exhibit C -- Nikiforides Govt Brief)(York, Thomas) (Entered: 04/22/2021)
04/26/2021	44	MOTION for Leave to File <i>Sur-Reply to Plaintiff's Response</i> by State of Connecticut. (Attachments: # 1 Supplement Sur-Reply)(Perry, Joshua) (Entered: 04/26/2021)
04/27/2021	45	RESPONSE re 44 MOTION for Leave to File <i>Sur-Reply to Plaintiff's Response</i> filed by U.S. Department of Homeland Security, Alejandro Mayorkas. (York, Thomas) (Entered: 04/27/2021)
06/22/2021	46	NOTICE of Appearance by Eric Conrad Steinhart on behalf of Matthew T. Albence, William P. Barr, Kenneth T. Cuccinelli, US Department of State, Executive Office for Immigration Review, Alejandro Mayorkas, Kevin McAleenan, James Mchenry, Michael R. Pompeo, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Immigration & Customs Enforcement, Chad Wolf (Steinhart, Eric) (Entered: 06/22/2021)

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