

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE; and
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in his
official capacity as Acting Secretary of the
United States Department of Homeland
Security; and MATTHEW ALBENCE, in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement,

Defendants.

Civil Action No. 1:20-cv-11283

REQUEST FOR ORAL ARGUMENT

MOTION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs move for the issuance of an order temporarily restraining Defendants from enforcing the policy announced in United States Immigration and Customs Enforcement's July 6, 2020 Directive (Complaint, Ex. 1) and from promulgating that policy as a Final Rule.

The Directive is contrary to law, arbitrary and capricious, and an abuse of discretion. 5 U.S.C. § 706. It is also procedurally defective under the Administrative Procedure Act. *Id.* § 553. Plaintiffs will suffer immediate and irreparable harm in the absence of the requested relief.

Plaintiffs respectfully request that this Court schedule a hearing on this matter today, July 8, 2020, or as soon as is otherwise practicable. In support of this motion, Plaintiffs rely on the

accompanying Memorandum and supporting exhibits and declarations, as well as their Complaint for Declaratory and Injunctive Relief.

Dated: July 8, 2020

Respectfully submitted,

/s/ Felicia H. Ellsworth
William F. Lee (BBO #291960)
Mark C. Fleming (BBO #639358)
Felicia H. Ellsworth (BBO #665358)
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000
E-mail: felicia.ellsworth@wilmerhale.com

Seth P. Waxman (*pro hac vice* forthcoming)
Paul R.Q. Wolfson (*pro hac vice* forthcoming)
Ari Holtzblatt (*pro hac vice* forthcoming)
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Telephone: (202) 663-6000

Attorneys for Plaintiffs

RULE 7.1(A)(2) CERTIFICATE

I, Felicia H. Ellsworth, hereby certify that on July 8, 2020, counsel for Plaintiffs provided notice to and attempted to confer in good faith with counsel for the Defendants to discuss whether it would be possible to resolve or narrow the issues that this Motion presents.

/s/ Felicia H. Ellsworth
FELICIA H. ELLSWORTH

CERTIFICATE OF SERVICE

I, Felicia H. Ellsworth, counsel for Plaintiffs, hereby certify that this document has been filed through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). This document is being sent by express courier to the Defendants at the addresses below and by email.

United States Department of Homeland Security
2707 Martin Luther King Jr. Ave., S.E.
Washington, D.C. 20528

United States Immigration and Customs Enforcement
500 12th St., S.W.
Washington, D.C. 20536

The Hon. Chad F. Wolf
Acting Secretary of Homeland Security
United States Department of Homeland Security
2707 Martin Luther King Jr. Ave., S.E.
Washington, D.C. 20528

Matthew Albence
Acting Director of United States Immigration and Customs Enforcement
United States Immigration and Customs Enforcement
500 12th St., S.W.
Washington, D.C. 20536

/s/ Felicia H. Ellsworth
FELICIA H. ELLSWORTH

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[PROPOSED] TEMPORARY RESTRAINING ORDER

The Court hereby **ORDERS** Defendants to refrain from implementing their July 6, 2020 Directive, and to refrain from promulgating any rule implementing the policy set out in that document, for fourteen days. The Court further **ORDERS** Defendants to continue to comply with ICE's March 13 Guidance.

SO ORDERED.

United States District Judge

Boston, Massachusetts

Date: _____