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7
8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
9 **AT SPOKANE**

10 STATE OF WASHINGTON, et al.,

11 Plaintiffs,

12 v.

13 UNITED STATES DEPARTMENT
14 OF HOMELAND SECURITY, a
federal agency, et al.,

15 Defendants.

NO. 4:19-cv-05210-RMP

JOINT STATUS REPORT

22

1 The parties respectfully submit this Joint Status Report pursuant to the Court’s
2 March 3, 2021 Order. At the time of the parties’ previous Joint Status Report on
3 February 24, 2021, two petitions for writs of certiorari awaited the Supreme Court’s
4 disposition: *Wolf v. Cook County, Illinois*, No. 20-450 (S. Ct.) and *Department of*
5 *Homeland Security v. New York*, No. 20-449 (S. Ct.). On March 9, 2021, the
6 Supreme Court dismissed both of those cases on the voluntary agreement of the
7 parties.¹ The Court also dismissed the petition for a writ of certiorari filed in this
8 case. *See USCIS v. City & County of San Francisco, California*, No. 20-962 (S. Ct.).

9 The same day the petitions were dismissed, DHS released a statement
10 indicating “the Department of Justice is no longer ‘pursu[ing] appellate review of
11 judicial decisions invalidating or enjoining enforcement of the 2019 Rule,’
12 and . . . [o]nce the previously entered judicial invalidation of the 2019 Rule
13 becomes final, the 1999 interim field guidance on the public charge admissibility
14 provision . . . will apply.” ECF No. 292, at 2.

15 Additionally, as explained in the notice Defendants filed yesterday, the U.S.
16 Department of Justice moved to voluntarily dismiss its appeal before the U.S. Court
17 of Appeals for the Seventh Circuit, which the Court granted shortly thereafter. *See*

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19 ¹ *Washington v. U.S. DHS*, No. 19-35914 (9th Cir.), ECF No. 140 (Letter
20 from Daniel Tenny, Attorney for the United States, U.S. Department of Justice:
21 Civil Division, to Molly Dwyer, Clerk of the Court, U.S. Court of Appeals for the
22 Ninth Circuit (Mar. 10, 2021)).

1 ECF No. 292. Thus, the U.S. District Court for the Northern District of Illinois’s
2 vacatur of the 2019 Rule is now in effect. *See id.*

3 On March 10, 2021, the State of Arizona and Arizona Attorney General Mark
4 Brnovich notified the parties by email of Arizona’s intent to seek to intervene in the
5 Ninth Circuit cases for “purposes of filing a new petition for certiorari.” Ex. A.
6 Shortly after receiving this notice, the parties conferred by phone about the status of
7 Plaintiffs’ claims and Arizona’s intent to intervene. At this juncture, while Arizona’s
8 motion is pending, Plaintiffs oppose dismissal of any of their claims, but they agree
9 to a 30-day stay while the Ninth Circuit considers Arizona’s motion. Defendants
10 believe, in light of recent developments—notably, the operative vacatur of the 2019
11 Rule—the remaining claims in this case should be dismissed. Thus, the parties
12 agreed to request a 30-day continuation of the stay of all claims in this matter
13 pending the resolution of Arizona’s motion. The parties propose to file a further
14 status report on April 12, 2021.

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17 ///

RESPECTFULLY SUBMITTED this 11th day of March 2021.

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 11th day of March 2021, at Seattle, Washington.

/s/ Jeffrey T. Sprung

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Exhibit A

From: [Roysden, Beau](#)
To: ["supremectbriefs@usdoj.gov"](#); ["Elizabeth.b.prelogar@usdoj.gov"](#); ["Elizabeth.prelogar@usdoj.gov"](#);
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Cc: [Ensign, Drew](#); [Hartwick, Carolyn](#)
Subject: Time Sensitive--Intervention in 9th Circuit Public Charge Cases, Case Nos. 19-17213, 19-17214, 19-35914
Date: Wednesday, March 10, 2021 10:32:22 AM
Attachments: [letter re cert petition 20-962.pdf](#)

[EXTERNAL]

Counsel ,

The State of Arizona, Attorney General Mark Brnovich, and possibly other states and attorneys general (collectively, Proposed Intervenor States) intend to seek to intervene in the above cases in the Ninth Circuit today or tomorrow.

As you are aware, these cases were subject to a petition for certiorari filed by U.S. CIS et al. Yesterday, the parties to that petition filed a stipulation to dismiss the case at the U.S. Supreme Court under Rule 46.1, and the case was dismissed at that court. Proposed Intervenor States intend to move to intervene in the Ninth Circuit for purposes of filing a new petition for certiorari.

I'm emailing you because you represented all of the parties at the U.S. Supreme Court yesterday. Please feel free to forward this to your any co-counsel at the Ninth Circuit as you think appropriate. If possible, please let us know by end-of-day today your clients' position regarding intervention by Proposed Intervenor States.

Thank you very much,

Beau Roysden
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