

August 18, 2021

Hon. Ona T. Wang
United States Magistrate Judge
United States Courthouse
Southern District of New York
500 Pearl St., Courtroom 20D
New York, NY 10007-1312

MEMO ENDORSED

Re: *State of New York, et al. v. U.S. Department of Homeland Security, et al.*, 19 Civ. 7777 (GBD) (OTW) (“*State of New York*”); *Make the Road New York, et al. v. Tracy Renaud, et al.*, No. 19-cv-7993 (GBD)(OTW) (“*MRNY*”)

Dear Judge Wang,

Pursuant to the Court’s May 24, 2021 Order, *State of New York* ECF No. 298, *MRNY* ECF No. 319, the parties, by and through their respective counsel, hereby submit this joint status letter.

On March 10, 2021, defendants notified the Court that the public charge rule¹ (the “Rule”) would no longer be enforced or applied. *State of New York* ECF No. 283, *MRNY* ECF No. 305. On March 11, the Court granted defendants’ request for a stay. *State of New York* ECF No. 286, *MRNY* ECF No. 308. On May 21, 2021, the parties submitted a joint status letter requesting an extension of the stay given the ongoing proceedings related to the Rule in the Ninth Circuit and the Seventh Circuit. *State of New York* ECF No. 296, *MRNY* ECF No. 317. On May 24, the Court extended the stay until August 23, 2021. *State of New York* ECF No. 298, *MRNY* ECF No. 319. Thus, these consolidated actions are currently stayed.

The parties request that the Court further extend the stay for 90 days, i.e. until November 21, 2021, and direct the parties to file a joint status letter by November 17, 2021 to update the Court, and, if warranted, request a further extension of the stay. Extending the stay until November 21 is warranted given the ongoing proceedings discussed below.

Ninth Circuit

On June 1, 2021, the Supreme Court held in abeyance a motion filed by several States, led by Arizona, seeking to intervene pending the filing and disposition of a petition of those States for a writ of certiorari with respect to the denial of their motion for leave to intervene in the Ninth Circuit to defend the Rule and argue in favor of its validity. *Arizona, et al., Petitioners v. City and County of San Francisco, California, et al.*, No. 20M81. On June 18, 2021, those States filed a petition for a writ of certiorari in the Supreme Court. *Arizona, et al., Petitioners v. City and County of San Francisco, et al.*, No. 20-1775. Respondents’ deadline to file a response to the petition is August 23, 2021.

¹ Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41,292 (Aug. 14, 2019).

Seventh Circuit

On July 22, 2021, the U.S. District Court for the Northern District of Illinois held a hearing on the motions of several States, led by Texas, (i) to intervene in litigation challenging the Rule, and (ii) for relief from the court's grant of partial summary judgment in favor of plaintiffs pursuant to Fed. R. Civ. P. 60(b). *Cook County Illinois et al. v. Wolf et al.*, 19-cv-6334 ("Cook County"). *Cook County* ECF No. 280. On August 17, 2021, the Court denied the motions. *Cook County* ECF Nos. 284, 285.

Respectfully submitted,

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cc: All Counsel of record via ECF

Application **GRANTED**. The stay is extended until **November 22, 2021**. The parties shall submit another joint status letter on **November 17, 2021**.

SO ORDERED.



Ona T. Wang 8/23/21
U.S.M.J.