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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

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

Defendants.

NO. 4:19-cv-05210-RMP

JOINT STATUS REPORT

1 The parties respectfully submit this Joint Status Report pursuant to the
2 Court's July 22, 2021 Order. In that Order, the Court continued the stay of this
3 matter until: (1) the disposition by the United States Supreme Court of the
4 pending petition for certiorari, *see Arizona v. City and County of San Francisco*,
5 No. 20-1775, from the United States Court of Appeals for the Ninth Circuit's
6 denial of intervention, and (2) the expiration of the time for appeal to the Supreme
7 Court of any disposition of the motion to intervene and reopen final judgment by
8 the State of Texas, *et al.* in the United States District Court for the Northern
9 District of Illinois. *See* ECF No. 302. The Court directed the parties to file a joint
10 status report by the earlier of the occurrence of these two events or
11 October 22, 2021.

12 The parties report that on August 17, 2021, the Northern District of Illinois
13 denied the motion to intervene in similar litigation filed by a group of states led
14 by Texas and denied their related motion for relief from judgment.
15 *Cook County v. Mayorkas*, No. 19-cv-6334, ECF No. 285, 2021 WL 3633917
16 (N.D. Ill. Aug. 17, 2021). The States have appealed that decision to the Seventh
17 Circuit, and their opening brief on appeal is currently due on November 3, 2021;
18 appellees' brief is due on December 3, 2021; and appellants' reply is due on
19 December 27, 2021. *Cook County v. Mayorkas*, No. 21-2561, ECF No. 21 (7th
20 Cir. Sept. 28, 2021).

21 As the Court knows, on June 18, 2021, a group of states led by Arizona
22

1 filed a petition for a writ of certiorari with the Supreme Court seeking review of
2 the Ninth Circuit's denial of those states' motion to intervene. Pet. Writ
3 Certiorari, No. 20-1775, *Arizona v. City & County of San Francisco*, No. 20M81
4 (S. Ct. June 18, 2021). That petition has been fully briefed and was distributed
5 for consideration at the Supreme Court's September 27, 2021, October 8, 2021,
6 and October 15, 2021 conferences.

7 The parties respectfully request that the Court continue the stay of this case
8 until the occurrence of the two events listed in the Court's July 22, 2021 Order.
9 The parties further propose to file a joint status report no later than 21 days after
10 the expiration of the stay.

11 The parties do not request a trial scheduling conference at this time.

12 RESPECTFULLY SUBMITTED this 22nd day of October 2021.

13
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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 22nd day of October 2021, at Seattle, Washington.

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