

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
DAYTON DIVISION**

**STATE OF ARIZONA, et al.**

Plaintiffs,

v.

**JOSEPH R. BIDEN, et al.**

Defendants.

Case No. 3:21cv00314

The Honorable Michael J. Newman

**UNOPPOSED MOTION TO STAY PROCEEDINGS**

On March 22, 2022, this Court preliminarily enjoined Defendants from relying on the September 30, 2021, *Guidelines for the Enforcement of Civil Immigration Law*, in certain circumstances. *See* ECF No. 44. Defendants appealed that preliminary injunction and sought a stay from the Sixth Circuit pending the appeal. On April 12, 2022, the Sixth Circuit stayed the preliminary injunction and expedited the appeal, setting argument for June 10 and targeting a decision by July. *Arizona v. Biden*, No. 22-3272, 2022 WL 1090176, at \*9 (6th Cir. Apr. 12, 2022). Because resolution of the appeal of the preliminary injunction is likely to shape future proceedings in this Court, and to accordingly preserve the parties' and the Court's resources in the interim, Defendants now move to stay district court proceedings pending the proceedings on appeal. Plaintiff States do not oppose the relief sought in this motion.

A district court "has broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997). "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Here, a stay would

substantially advance the cause of judicial economy. The issues before the Sixth Circuit are essentially identical to the issues still pending in this Court, and it would be inefficient to continue proceedings in this Court in the meantime while the matter is on appeal.

Among the issues the Sixth Circuit is called to decide on appeal are the reviewability of the September Guidance and whether Plaintiffs are likely to succeed on their claim that the September Guidance is contrary to law, is arbitrary or capricious, or was adopted without adherence to necessary procedures. Parallel proceedings in this Court would result in unnecessary expenditure of the Court's judicial resources and potentially result in interim rulings that would require subsequent modification or reconsideration in light of the appellate proceedings. *See Lovendahl v. Kroger Co., Inc.*, No. 1:21-CV-00350, 2022 WL 594806, at \*2 (S.D. Ohio Feb. 28, 2022) (staying proceedings pending decisions on relevant legal issues in other litigation then before the Sixth Circuit); *Hawai'i v. Trump*, 233 F. Supp. 3d 850, 855 (D. Haw. 2017) ("Because many of the . . . legal arguments . . . are presently before the Ninth Circuit, it makes little sense to expend the resources necessary for a full presentation of those same issues in this forum while awaiting guidance from the appellate court. The more efficient course is to await a pronouncement from the governing appellate bodies, at which point the bulk of the determinative issues may very well be settled in most material respects."); *Washington v. Trump*, No. C17-0141JLR, 2017 WL 1050354, at \*5 (W.D. Wash. Mar. 17, 2017) (similar).

A stay will not unduly burden the parties. The Sixth Circuit has already expedited its appeal, set oral argument, and has indicated its intent to issue a ruling in July. Continuing proceedings, on the other hand, will require the parties to incur potentially unnecessary and unrecoverable expenses.

Accordingly, Defendants respectfully ask this Court to stay district court proceedings until appellate proceedings on this Court's entry of the preliminary injunction are fully concluded.

Dated: April 20, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically  
(via CM/ECF) on April 20, 2022.

/s/ Michael F. Knapp  
MICHAEL F. KNAPP

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**[PROPOSED] ORDER**

After due consideration, Defendants' Unopposed Motion to Stay Proceedings, ECF No. 60, is GRANTED.

IT IS ORDERED that further proceedings in this Court are stayed until appellate proceedings on this Court's entry of the preliminary injunction are fully concluded.

It is SO ORDERED.

Signed this \_\_\_ of \_\_\_\_\_, 2022.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE