

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA,

Plaintiff,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Civil Action No. 1:25-cv-03005-JMC

**MOTION FOR A STAY OF PROCEEDINGS**  
**IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants hereby move for a stay of proceedings in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive Branch agencies. The Department does not know when such funding will be restored by Congress.

2. On October 1, 2025, Chief Judge James E. Boasberg issued Standing Order No. 25-55, staying civil proceedings involving the United States in light of the lapse of appropriations. That order applies to all filing and discovery deadlines imposed upon the United States, its federal agencies, and its officers or employees, but does “not extend the United States’ deadlines to respond to motions for temporary restraining orders or preliminary injunctions.”

3. Plaintiff filed a motion for a preliminary injunction, *see* ECF Nos. 3 & 3-1, to which Defendants have already responded, *see* ECF No. 34. Defendants filed a motion to dismiss the complaint at the same time they responded to Plaintiff’s preliminary injunction motion. *See* ECF No. 35. Plaintiff also filed a motion for expedited discovery, *see* ECF No. 4, to which Defendants filed a response, *see* ECF No. 38. This Court granted, in part, Plaintiff’s motion for expedited discovery and

ordered Defendants to respond to that discovery by October 10. *See* ECF. No. 44. The Court also set the following schedule for further proceedings:

- September 30, 2025: Deadline for Plaintiff's combined brief in opposition to Defendants' Motion to Dismiss, ECF. No. 35, and reply in support of Plaintiff's Motion for Preliminary Injunction, ECF No. 3.
- October 7, 2025: Deadline for Defendants' reply in support of their Motion to Dismiss.
- October 16, 2025: Deadline for Plaintiffs' supplemental brief in support of its Motion for Preliminary Injunction, addressing only new information disclosed during expedited discovery.
- October 22, 2025: Deadline for Defendants' supplemental brief in opposition to the Motion for Preliminary Injunction, addressing only new information disclosed during expedited discovery.

ECF No. 51. A hearing has been set for Plaintiffs' motion for a preliminary injunction and Defendants' motion to dismiss on October 24.

4. The Standing Order stays the deadline for Defendants to file their reply in support of their motion to dismiss. It is unclear, however, whether it also applies to the other deadlines in this case. By its terms, it applies to all filing and discovery deadlines imposed on the United States but carves out responses to preliminary injunction motions. Defendants have already responded to Plaintiff's preliminary injunction motion, but the supplemental discovery and supplemental briefing both relate to that motion.

5. Accordingly, to the extent the Standing Order does not apply to those deadlines, Defendants respectfully request that this Court stay all deadlines in this case that are not otherwise covered by Standing Order No. 25-55. Absent an appropriation, Department of Justice attorneys and many employees of federal defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

6. If the Court declines to issue a stay and determines that Standing Order 25-55 does not apply to Defendants' deadline to file a reply in support of their motion to dismiss, Defendants respectfully request that the Court clarify that Defendants may have until October 21 to file a reply in support of their motion to dismiss. That extension will not prejudice Plaintiff because the reply is the final filing on that motion, and the reply necessarily will be limited to legal arguments and will not address information disclosed during discovery.

7. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. Defendants request that, at that point, all current deadlines for the parties be extended in a manner consistent with the provisions of Standing Order 25-55.

8. Pursuant to Local Civil Rule 7(m), undersigned counsel has conferred with counsel for Plaintiff regarding this motion. Plaintiff opposes the motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, Defendants hereby move for a stay of all deadlines in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: October 1, 2025

Respectfully submitted,

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**[PROPOSED] ORDER**

Upon consideration of Defendants' Motion for a Stay of Proceedings, it is hereby ORDERED that this case shall be, and hereby is, STAYED due to the lapse in appropriations to the Department of Justice. All deadlines shall be extended by the number of days equal to the length (in days) of the lapse of appropriations plus ten days, provided that if the lapse is seven days or fewer, such extension shall be the number of days equal to the length (in days) of the lapse of appropriations plus five days.

SO ORDERED.

\_\_\_\_\_  
Date

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JIA M. COBB  
United States District Judge