

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

	)	
NORA and her minor son, JOSE, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	
	)	
ALEJANDRO MAYORKAS <sup>1</sup> , <i>et al.</i> ,	)	Civil Action No. 1:20-cv-00993-ABJ
	)	
<i>Defendants.</i>	)	
	)	
	)	
	)	

**PLAINTIFFS’ MOTION FOR PARTIAL SUMMARY JUDGMENT AND PERMANENT  
INJUNCTION**<sup>2</sup>

Pursuant to Fed. R. Civ. P. 56, Plaintiffs hereby move for summary judgment on their first claim for relief on the ground that Plaintiffs are entitled to prevail on that claim as a matter of law. As further explained in the accompanying memorandum, Defendants’ expansion of the Migrant Protection Protocols to Tamaulipas, Mexico, was arbitrary and capricious in violation of the Administrative Procedure Act. Plaintiffs’ motion for the entry of a permanent injunction should be granted because they show that they will succeed on the merits of their first claim for relief, that they will be subject to irreparable harm if injunctive relief does not issue, and that the balance of equities and the public interest tip strongly in their favor.

Plaintiffs therefore request that the Court set aside this unlawful agency action and enter a permanent injunction against the Defendants. Specifically, Plaintiffs request that the Court order

<sup>1</sup> On February 2, 2021, Alejandro Mayorkas was confirmed to serve as the Secretary of Homeland Security. He is automatically substituted for his predecessor pursuant to Federal Rule of Civil Procedure 25(d).

<sup>2</sup> On February 3, 2021, Plaintiffs’ counsel conferred with Defendants’ counsel by email and phone to determine if Defendants would consent to the relief requested in this motion. On February 5, 2021, Defendants informed Plaintiffs that they have yet to reach a position on this motion.

Defendants to return Plaintiffs to the United States effective immediately, and allow them to continue to participate in their removal proceedings from within the United States.

Plaintiffs note that Defendants' motion to dismiss this case has been fully briefed for over five months. ECF 52, 54, 55. Given Plaintiffs' perilous situation in Tamaulipas, Plaintiffs urge the Court to consider this motion for partial summary judgment simultaneously with the pending motion to dismiss—or at least simultaneously with the motion to dismiss Claim One, the same claim at issue in this Motion.

This motion is based on the accompanying memorandum, declarations and exhibits filed in support; additional pleadings filed in this action; and such oral arguments and evidence as may be presented at a hearing on the motion. A proposed order and proposed injunction are attached for the Court's convenience.

Dated: February 5, 2021

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**CERTIFICATE OF SERVICE**

I certify that, on February 5, 2021, I electronically transmitted the attached motion, accompanying exhibits and proposed order using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants for this case. I have also sent an electronic version of all sealed documents to counsel for Defendants who have entered an appearance in the case.

/s/ Judy Rabinovitz  
Judy Rabinovitz