

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

P.J.E.S., A MINOR CHILD, by and through  
his father and NEXT FRIEND, Mario Escobar  
Francisco, on behalf of himself and others  
similarly situated,

Plaintiff,

v.

ALEJANDRO MAYORKAS, Secretary of  
Homeland Security, et al.,

Defendants.

Civil Docket No. 1:20-cv-02245-EGS-GMH

**JOINT STATUS REPORT**

Plaintiff and Defendants, by and through undersigned counsel, jointly provide this status report pursuant to this Court's May 25, 2021 Order:

1. On November 18, 2020, this Court entered a preliminary injunction in this case, enjoining the expulsion of class members pursuant to the Centers for Disease Control and Prevention ("CDC") Order challenged in this case. *See* Order, ECF Nos. 79, 80. The government appealed that injunction and sought a stay of the injunction pending appeal. On Friday, January 29, 2021, the United States Court of Appeals for the District of Columbia Circuit granted a stay pending appeal of this Court's decision and issued an expedited briefing schedule. Order, *P.J.E.S. v. Mayorkas, et al.*, No. 20-5357 (D.C. Cir. Jan. 29, 2021), Doc. No. 1882899.

2. On February 11, 2021, the CDC Director issued a notice stating that CDC has temporarily excepted from expulsion unaccompanied noncitizen children encountered in the United States "pending the outcome of [the agency's] forthcoming public health reassessment" of the Title 42 policy. *See* CDC, Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children Encountered in the United States Pending Forthcoming

Public Health Determination (Feb. 11, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDCPauseNotice-ExceptfromExpulsion.pdf>.

3. The parties have since moved to hold the proceedings in the Court of Appeals and in this Court in abeyance while they explore whether it may be possible to resolve or narrow the dispute at issue in this case. *See* ECF Nos. 106, 108. The D.C. Circuit granted the abeyance motion, Order, *P.J.E.S. v. Mayorkas, et al.*, No. 20-5357 (D.C. Cir. Mar. 2, 2021), Doc. No. 1887945, and this Court similarly granted the parties' abeyance requests, *see* Feb. 24, 2021 Minute Order; Mar. 24, 2021 Order, ECF No. 109. In their May 24, 2021 Joint Status Report, the parties agreed that continuing the abeyance was the most reasonable and efficient course of action as they continue to explore whether they can resolve or narrow the dispute at issue in this case. ECF No. 117. The parties also suggested that they file a further joint status report on or before June 23, 2021, *id.*, and this Court subsequently ordered the parties do so, May 25, 2021 Order, ECF No. 118.

4. The parties' efforts to try to resolve or narrow the dispute at issue in this case remain ongoing, and they continue to believe that the most reasonable and efficient course of action is to continue the abeyance while their discussion continues.

5. The parties agree that either party may move to terminate the abeyance by filing a motion seeking such relief.

6. Because the parties' discussion remains ongoing, they respectfully suggest that they file a further joint status report on or before July 23, 2021. A proposed order is attached.

Dated: June 23, 2021

Respectfully submitted,

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