

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
MAKE THE ROAD NEW YORK)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	No. 1:25-cv-00190-JMC
)	
KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, in her official capacity, et al.,)	
)	
<i>Defendants.</i>)	
)	
_____)	

CONSENT MOTION TO FILE AMENDED COMPLAINT

Plaintiff respectfully submits this consent motion to file an Amended Complaint. Clean and redlined copies of the proposed amended pleading have been contemporaneously filed with this motion, as has a proposed order. Pursuant to Local Civ. R. 7(m), Plaintiffs conferred with the government and the government has consented to the amendment.

Under Rule 15(a)(2) of the Federal Rules of Civil Procedure, a party may amend its pleading if the opposing party consents to the amendment in writing. Fed. R. Civ. P. 15(a)(2); *see also Parker v. John Moriarty & Assoc.*, 320 F.R.D. 95, 97 (D.D.C. 2017) (Under Rule 15(a)(2), leave to amend “should be freely given unless there is a good reason to the contrary.”) (*citing Willoughby v. Potomac Elec. Power Co.*, 100 F.3d 999, 1003 (D.C. Cir. 1996)). Absent unusual circumstances, such as prejudice to the defendant, amendment should ordinarily be allowed. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Firestone v. Firestone*, 76 F.3d 1205, 1209 (D.C. Cir. 1996).

It is in the interest of justice that leave to amend be granted. The defendants here face no prejudice from the amendment. No responsive pleading has been filed in this case and discovery has not yet begun. *Dave v. District of Columbia*, 811 F. Supp. 2d 111, 120 (D.D.C. 2011) (no prejudice when discovery had not closed and the case was still in “the early stages of litigation.”).

Plaintiff filed an initial complaint on January 22, 2025 to challenge a new rule by the Trump Administration to expand the reach of expedited removal, a summary removal process, to individuals located anywhere in the country who cannot prove they have been continuously present in the United States for more than two years. *See* U.S. Dep’t of Homeland Sec., Designating Aliens for Expedited Removal (Jan. 21, 2025), <https://public-inspection.federalregister.gov/2025-01720.pdf>. The amended complaint adds additional allegations and claims in light of developments of the administration’s policies. *See* “Guidance Regarding How to Exercise Enforcement Discretion” to implement both the January 21, 2025 Rule and January 20, 2025 Memorandum entitled “Exercising Appropriate Discretion Under Parole Authority.” Benjamin C. Huffman, Guidance Regarding How to Exercise Enforcement Discretion (Jan. 23, 2025). It further adds two individual plaintiffs.

For the reasons identified above, Plaintiff respectfully requests that the Court grant the consent motion for leave to file the proposed Amended Complaint.

Dated: March 21, 2025

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CERTIFICATE OF SERVICE

I hereby certify on March 21, 2025, I caused a copy of the foregoing to be transmitted to all Defendants through the CM/ECF filing system.

/s/ Anand Balakrishnan _____

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