

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

JOE NEGUSE, in his official capacity as a
Member of the U.S. House of
Representatives, *et al.*,

Plaintiffs

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, *et al.*,

Defendants

No. 25-cv-2463-JMC

NOTICE OF LAPSE OF RESTRICTED FUNDING

Defendants hereby notify the Court that at 12:01am, today, February 14, 2026, funding for Defendants’ programs subject to the Section 527 rider lapsed. *See* Further Consolidated Appropriations Act, 2024, Pub. L. No. 118-47, div. C, tit. V, § 527(a), 138 Stat. 460, 619 (March 23, 2024) (providing rider); Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions act, 2026, Pub. L. 119-37, div. A, § 101, 139 Stat. 495, 497 (Nov. 11, 2025) (extending funds with rider through “January 30, 2026”); Further Continuing Appropriations Act, 2026, div. H, § 101, Pub. L. No. 119-75, 140 Stat. 173 (Feb. 3, 2026) (extending funds through “February 13, 2026”). As Defendants have previously argued in their briefing, ECF No. at 5-6, and explained at oral argument, there is no lawful basis for the Court to enjoin Defendants’ conduct so long as the restricted funds have lapsed.

Dated: February 14, 2026

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

/s/ Michael K. Velchik
MICHAEL K VELCHIK (DC Bar #187249)
Senior Counsel
U.S. Department of Justice
Civil Division
950 Pennsylvania Ave
Washington, DC 20530
Tel: (202) 860-8388
Email: michael.velchik@usdoj.gov

ELIZABETH J. SHAPIRO
Deputy Director
Federal Programs Branch

AMBER RICHER
Trial Attorney,
Federal Programs Branch

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February 2026, I caused the foregoing document to be served on counsel for plaintiff by filing with the court's electronic case filing system.

/s/ Michael K. Velchik

MICHAEL K. VELCHIK