

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FRITZ EMMANUEL LESLY MIOT, et al.,

Plaintiff,

v.

DONALD J. TRUMP, President of the United  
States, *et al.*,

Defendants.

Civil Action No. 25-2471 (ACR)

**DEFENDANTS' CONSENT MOTION TO EXTEND DEADLINE TO RESPOND TO  
THE SECOND AMENDED COMPLAINT**

Pursuant to Rule 6(b), Defendants Donald J. Trump, United States of America, Department of Homeland Security, and Kristi Noem, in their official capacities, (collectively “the Government”) respectfully move the Court to extend their deadline to respond to Plaintiffs’ second amended complaint while the case proceeds at the D.C. Circuit. The Government proposes that the Court direct the parties to submit a joint status report within five business days of the D.C. Circuit’s ruling on the pending stay request and advise the Court at that time of their respective positions on a new response deadline. Consistent with Local Civil Rule 7(m), counsel for the parties engaged in good faith discussions on the requested relief and Plaintiffs consent to this motion. Good cause supports granting the requested relief.

The Court permitted Plaintiffs to file a second amended complaint, and the Court denied Defendants’ motion to dismiss, making Defendants’ current response deadline February 17, 2026. On February 2, 2026, the Court issued an order granting Plaintiffs’ request for relief under 5 U.S.C. § 705. *See* Order (ECF No. 123). Since the issuance of that order, the Government has proceeded quickly to appeal and sought emergency relief before this Court and the Court of Appeals for the

D.C. Circuit. Any order on the Government’s request for a stay of this Court’s § 705 order will impact how the Government responds to Plaintiffs’ second amended complaint. Given that the D.C. Circuit has already issued an expedited briefing schedule on the emergency motion, an order can be expected to issue soon thereafter. Additionally, the Department of Homeland Security is currently experiencing a lapse in appropriations, and it remains unclear when those appropriations will be restored. The current lapse may affect the Government’s ability to work with agency counsel and stakeholders to prepare a response to the second amended complaint. But the lapse is open-ended, and that is precisely why the extension is a preferred course of action. *See* Standing Order No. 25-55 (JEB) (staying government deadlines following the lapse in appropriations in October 2025).

Undersigned counsel, moreover, has and continues to have other litigation and personal obligations in the coming weeks.

The relief requested in this motion will not prejudice either party. Plaintiffs have preliminarily secured the objectives that they sought in filing this lawsuit. The parties continue to proceed with the limited discovery that the Court has already ordered. *See* Joint Status Report (ECF No. 131). Therefore, any delay in moving to the merits by extending the deadline to respond to the second amended complaint will not impact these ongoing efforts.

Accordingly, the Government requests that the Court grant this motion, extend the government’s deadline until the D.C. Circuit rules on the pending stay motion, and then permit the parties to submit a joint status report within five business days of the D.C. Circuit’s order on the stay motion, proposing a new response deadline.

\* \* \*

Dated: February 17, 2026

Respectfully submitted,

JEANINE FERRIS PIRRO  
United States Attorney

By:           /s/ Dhruman Y. Sampat            
DHRUMAN Y. SAMPAT  
Assistant United States Attorney  
601 D Street, NW  
Washington, DC 20530  
(202) 252-2525  
[dhruman.sampat@usdoj.gov](mailto:dhruman.sampat@usdoj.gov)

*Attorneys for the United States of America*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FRITZ EMMANUEL LESLY MIOT, et al.,

Plaintiff,

v.

DONALD J. TRUMP, President of the United  
States, *et al.*,

Defendants.

Civil Action No. 25-2471 (ACR)

**[PROPOSED] ORDER**

UPON CONSIDERATION of Defendants' motion for to an extension of the answer deadline, and for good cause shown and the entire record herein, it is hereby

ORDERED that Defendants' motion is GRANTED;

ORDERED that Defendants' deadline to respond to the Plaintiffs' second amended complaint is extended to a date to be set by further order of the Court following submission of the joint status report referenced herein; and it is FURTHER

ORDERED that the parties will submit a joint status report within five business days of the D.C. Circuit's order granting or denying Defendants' stay motion, in which the parties will propose their respective positions on a new deadline for Defendants to respond to the second amended complaint.

SO ORDERED.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
ANA C. REYES  
United States District Judge