

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

THE STATE OF ARIZONA,  
By and through its Attorney General, Mark  
Brnovich, et al.,

PLAINTIFFS,

v.

CENTERS FOR DISEASE CONTROL &  
PREVENTION; et al.,

DEFENDANTS.

CIVIL ACTION NO. 6:22-cv-00885-RRS-  
CBW

**PLAINTIFF STATES' MOTION FOR ORDER TO SHOW CAUSE**

The Plaintiff States hereby respectfully move for (1) this Court to issue an order to show cause as to why Defendants should not be held in contempt and (2) other appropriate remedial measures to investigate Defendants' compliance to date and prevent further potential violations.

On May 20, 2022, this Court granted Plaintiff States' motion for a preliminary injunction against Defendants' attempt to "terminat[e] the COVID-related restrictions on immigration enacted by the CDC pursuant to its authority under Section 265 of Title 42" (the "Title 42 Policy"). Doc. 90 at 1. This Court issued a clear and unambiguous order enjoining Defendants "from enforcing the April 1, 2022 Order Under Sections 362 & 365 of the Public Health. Service Act anywhere within the United States" and requiring that "DHS shall file monthly reports providing ... any material changes to policy regarding DHS's application of the Title 42 process." Doc. 91 at 1-2.

Defendants' recent reports raise very troubling questions as to whether DHS has complied with this Court's preliminary injunction. In particular, DHS's own reports strongly suggest that

the agency has partially implemented the Termination Order. In particular, Defendants appear to have *de facto* terminated the Title 42 Policy vis-à-vis citizens of Haiti.

It further appears that DHS may be employing the humanitarian exception to circumvent—and perhaps violate—this Court’s injunction.

Accordingly, Plaintiffs also move that this Court require that:

- 1) Defendants explain in detail all policy changes, both written and unwritten, that may have contributed to these drastic changes in how Title 42 is applied to citizens of Haiti and the increased granting of humanitarian exceptions;
- 2) Defendants produce all documents and communications related to these policy changes;
- 3) Defendants produce any internal planning documents or communications that might be the “internal planning document” about processing of citizens Haiti that was referred to in press reports;
- 4) Defendants produce numbers broken down by nationality of all grants of humanitarian exceptions to the Title 42 Policy;
- 5) Either the Assistant Secretary for Border and Immigration Policy or the Secretary of Homeland Security to attest to the veracity and completeness of all future reports under penalty of perjury; and
- 6) Plaintiffs be permitted to take up to five depositions relating to these matters of DHS officials.

Dated: November 1, 2022

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