

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Greenbelt Division)

KILMAR ARMANDO ABREGO  
GARCIA, *et al.*,

*Plaintiffs,*

v.

KRISTI NOEM, Secretary of  
Homeland Security, *et al.*,

*Defendants*

No. 8:25-cv-00951-PX

**[SEALED] PARTIALLY OPPOSED MOTION FOR A ONE WEEK STAY  
OF DISCOVERY**

Defendants move for a brief, one-week stay of the Court’s discovery order and the Court’s order requiring daily status reports on Defendants’ facilitation efforts. For the reasons set forth in today’s status report, which was provided to the Court *ex parte* and under seal, compliance with these orders is likely to interfere with Defendants’ efforts to resolve this litigation. Plaintiffs are not likely to be prejudiced by a one-week stay of these orders as the short stay supports their litigation aims. Defendants conferred with Plaintiffs’ counsel regarding this request. Plaintiffs’ counsel has agreed to reschedule depositions set for tomorrow but otherwise opposes this request.

On March 24, 2025, Plaintiffs filed this suit, challenging Abrego Garcia’s removal to his native country of El Salvador. Defendants are presently subject to an amended preliminary injunction that “direct[s] that Defendants take all

available steps to facilitate the return of Abrego Garcia to the United States as soon as possible.” ECF 51 at 1. The Court separately ordered Defendants to submit daily status reports addressing efforts to comply with the Court’s amended preliminary injunction order. And, on April 15, the District Court ordered discovery in connection with its amended injunctive order. ECF 79. Specifically, the Court authorized Plaintiffs to seek (i) fifteen requests for production of documents, (ii) fifteen interrogatories, and authorized (iii) four depositions, with the possibility of two more. *Id.* at 7. The Court ordered discovery be completed on an expedited basis.

For the reasons set forth in Defendant’s ex parte status report, compliance with the Court’s discovery order and daily status reports is likely to interfere with efforts to resolve this litigation. In addition, the status report was submitted by a witness who is involved in those efforts to comply with the Court’s order and is scheduled to be deposed tomorrow afternoon. As a result of the developments reported by the witness, it is unlikely that the witness will be in a position to testify as on the topics noticed, and it is likely that a deposition would further the harm set forth in the ex parte status report. To the extent that this Court would like additional details regarding the efforts at issue, the witness scheduled to be deposed tomorrow would be prepared to provide testimony to the Court *in camera* to explain why the requested stay is warranted here.

Plaintiffs will not be prejudiced by a short pause. Today's status report confirms that the stay will further Plaintiffs' interests and could aid in the resolution of this litigation. Defendants are not proposing that they will cease efforts to comply with the Court's amended preliminary injunction order. Rather, Defendants are actively engaged in efforts that extend beyond mere facilitation. Defendants seek relief from orders that will distract from and undermine those efforts and further avoid the potential need to seek emergency relief to protect the Government's privileges from waiver. Moreover, yesterday's status report confirms that Mr. Abrego Garcia is not being detained at the Terrorism Confinement Center (CECOT) and is "in good conditions and in an excellent state of health." ECF 97 at ¶2. Accordingly, the equities strongly support a short stay of discovery.

Respectfully submitted,

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Dated: April 22, 2025

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