

IN THE 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.*

Civil No.: 8:25-cv-00951-PX

**DEFENDANTS' RESPONSE TO  
AMENDED PRELIMINARY  
INJUNCTION ORDER**

**RESPONSE TO AMENDED PRELIMINARY INJUNCTION ORDER**

Defendants are unable to provide the information requested by the Court on the impracticable deadline set by the Court hours after the Supreme Court issued its order. The Supreme Court's order directs the Court to "clarify its directive, with due regard for the deference owed to the Executive Branch in the conduct of foreign affairs." *Abrego Garcia v. Noem*, 25A949, 604 U. S. \_\_\_\_ (2025), Op. at 2. The Court has not yet clarified what it means to "facilitate" or "effectuate" the return as it relates to this case, as Plaintiff is in the custody of a foreign sovereign. Defendants request—and require—the opportunity to brief that issue prior to being subject to any compliance deadlines. Needless to say, Defendants were under no obligation to take action under the court's order while it was administratively stayed by the Chief Justice of the United States. In light of the insufficient amount of time afforded to review the Supreme Court's Order following the dissolution of the administrative stay

in this case, Defendants are not in a position where they “can” share any information requested by the Court. That is the reality. Defendants received the order late in the evening last night. They are reviewing the order and actively evaluating next steps. It is unreasonable and impracticable for Defendants to reveal potential steps before those steps are reviewed, agreed upon, and vetted. Foreign affairs cannot operate on judicial timelines, in part because it involves sensitive country-specific considerations wholly inappropriate for judicial review.

**Respectfully Submitted,**

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