

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CAROLINA MIGRANT NETWORK,
AMICA CENTER FOR IMMIGRANT
RIGHTS,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendant.

CASE NO. 3:26-CV-28

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully notify the Court of several outcomes in decisions in numerous district courts denying stays to DHS and its subcomponents, including ICE and Customs and Border Protection (“CBP”). As evidenced by the citations below, district courts have examined similar claims about the purported furlough of FOIA staff within DHS and its subcomponents and have denied those requests for stays and in some instances ordered the agency to produce records within a time certain. Plaintiffs submit these supplemental authorities in support of their opposition to the Defendant’s request for a stay or continuance of this matter. *See* ECF No. 10 at 4-5.

On March 5, 2025, the federal district court for the District of Columbia denied DHS’s motion for a stay and ordered ICE to search and collect potentially responsive records within four days. *See Democracy Forward Foundation v. U.S. Department of Homeland Security*, 1:25-cv-04089 (AHA) (Mar. 17, 2026 Minute

Order), (D.D.C. filed Nov. 21, 2025). On March 16, 2026, a Judge in the Southern District of New York denied a DHS motion to stay that advanced a substantially similar set of arguments as those of the Defendant. *See Women’s Refugee Commission v. United States Department of Homeland Security*, 1:25-cv-07982, ECF No. 28 (S.D.N.Y. filed Sept. 25, 2025). Most recently, on March 24, 2026, another Judge in the Southern District of New York required DHS to continue producing records it had already agreed to produce. *See Robert F. Kennedy Human Rights et al. v. United States Department of Homeland Security*, 1:25-cv-06541 (JMF), ECF No. 35 (S.D.N.Y. filed Aug. 8, 2025).

There is also evidence that DHS has continued to produce records since the purported lapse in funding for its FOIA operations. In another FOIA matter pending in the Southern District of New York, CBP has continued to process and produce documents weeks after the lapse in appropriations. *See Robert F. Kennedy Human Rights et al. v. United States Department of Homeland Security, et. al.*, 25-cv-4349 (AS), ECF No. 72-1 (Declaration of Anthony Enriquez), (S.D.N.Y. filed May 22, 2025) (attached as Exhibit A).

These decisions, and the agency’s own actions, support Plaintiffs’ opposition to a stay or continuance of these proceedings. At the very least, the Court can and should order Defendant to produce and publish the July 9, 2025 “ankle monitor memorandum,” as Defendant had agreed to do and was apparently on the cusp of doing before it voluntarily furloughed its FOIA office in February.

This, the 25th day of March, 2026. Respectfully submitted,

By: /s/ Daniel Melo

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CERTIFICATE RE: STANDING ORDER, DOCKET NO. 3:24-MC-104

Pursuant to this Court's Standing Order, dated June 18, 2024, undersigned counsel hereby certifies the following:

No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg;

Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

Dated: March 25, 2026

/s/ Daniel Melo

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served the foregoing filing with the Clerk of Court using the CM/ECF system, which will deliver a copy to all Parties.

Dated: March 25, 2026

/s/ Daniel Melo