

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

LINDA SARSOUR, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*;

Defendants.

No. 1:17-cv-120 (AJT/IDD)

**DEFENDANTS' MOTION TO CONTINUE HEARING
UNTIL FRIDAY, MARCH 17, 2017**

On January 30, 2017—six weeks ago—Plaintiffs filed the original Complaint in this action, challenging an Executive Order issued by the President just three days earlier. As of Friday, March 10, 2017, the United States Attorney's Office had not received service of that Complaint, as required by Fed. R. Civ. P. 4(i).

This morning, seven days after the issuance of the March 6, 2017 Executive Order entitled Protecting The Nation From Foreign Terrorist Entry Into The United States, Plaintiffs filed an Amended Complaint and an Emergency Motion for a Temporary Restraining Order and/or Preliminary Injunction, and requested that this Court hold a hearing just two days hence, on March 15, 2017. Plaintiffs provide no good reason for the Court to hold a hearing on a timetable abbreviated to just two days, and the Government hereby requests that the hearing be continued until Friday, March 17, 2017, to allow the Government time to respond to Plaintiffs' filings.

The Court should not proceed on Plaintiffs' proposed timetable and thereby limit the Government's ability to respond, because doing so will prejudice the Government, prejudice the

public interest, and prejudice the Court's ability to review this matter. Plaintiffs seek broad declaratory and injunctive relief on important matters of national policy. The hearing date proposed by Plaintiffs does not allow the Government sufficient time to file a response. Under any circumstances, preparing a reasoned and comprehensive response to a lengthy complaint and motion within the timetable proposed by Plaintiffs would be unreasonable. In the current instance, this unreasonability is compounded by the forecast for inclement weather, including snow and possible power outages, in both this District and Washington, DC over the next 36 hours.

Significantly, Plaintiffs' motion identifies no specific harm that would occur immediately in the next several days and thereby requires a hearing on Wednesday, and in fact, the harms they describe closely resemble those in their original Complaint, which they have not diligently prosecuted.¹ Nor do Plaintiffs provide any explanation for why they tarried longer to file the amended complaint than for their original complaint. Under these circumstances, the Court should look with skepticism on Plaintiffs' desire for an immediate hearing.

For these reasons, the Government respectfully requests that the Court continue the hearing until Friday, March 17, 2017, at 10:00 a.m., and provide the Government until 12:00 noon on Thursday, March 16, 2017 to file a response to Plaintiffs' motion. Defendants have consulted with Plaintiffs' counsel on this relief and Plaintiffs oppose.

March 13, 2017

Respectfully submitted,

DANA J. BOENTE
United States Attorney

CHAD READLER
Acting Assistant Attorney General
Civil Division

¹ These alleged harms should also be considered in light of the Department of State's recent publication of information about the implementation of the March 6, 2017 Executive Order, available at: <https://travel.state.gov/content/travel/en/news/important-announcement.html>

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By:

 /s/
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will transmit a true and correct copy of the same to the following:

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Date: March 13, 2017

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