



A stay of removal is amply warranted. For all the reasons explained in Plaintiff's prior motion for a stay of removal, which the Court granted, the Acosta and Thomas families have a strong likelihood of success on the merits to their challenge to the Title 42 Process. *See* ECF No. 5-1 at 7-15. And the equities likewise tip sharply in favor of a stay here. *See id.* at 4-7. As set forth in the accompanying declarations, both families fled to the United States to seek humanitarian protection, and are in grave danger of persecution and other harm if they are summarily expelled. Moreover, as this Court previously explained, the threatened expulsion of noncitizens in violation of their statutory rights to "apply for asylum or withholding of removal" is itself irreparable, as "[o]nce expelled from the United States and outside the jurisdiction of the Court, it is not clear that a remedy can be provided." *P.J.E.S. by & through Escobar Francisco v. Wolf*, \_\_\_ F. Supp. 3d. \_\_\_, No. CV 20-2245 (EGS), 2020 WL 6770508, at \*13 (D.D.C. Nov. 18, 2020). By contrast, the government will suffer minimal prejudice from a stay of removal of these two families, particularly where removing them is ultra vires and contrary to the statutes Congress enacted. *See* ECF No. 5-1 at 7; *J.B.B.C. v. Wolf*, No. 1:20-CV-01509-CJN, 2020 WL 6041870, at \*8 (D.D.C. June 26, 2020).

Counsel for Plaintiffs contacted counsel for Defendants Sean Tepe regarding these families. Plaintiffs' counsel was unable to obtain Defendants' position on this motion given the time constraints. Plaintiffs will update the Court if they are able to obtain the government's position.

### **CONCLUSION**

The Court should issue a stay of the removal of Martha Liliana Taday-Acosta (SID 369-635-597) and her minor children D.J.Z. (SID 369-635-599) and J.A.Z. (SID 369-635-605); and of Julien Thomas (SID 369-648-244), Fidette Boute (SID 369-648-252), and their minor children D.J.T.-B. (SID 369-648-250) and T.J.T.-B. (SID 369-648-247).

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