

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

Date: October 25, 2022	Time: 13 minutes 2:17 p.m. to 2:30 p.m.	Judge: WILLIAM H. ORRICK
Case No.: 19-cv-03512-WHO	Case Name: Nightingale v. U.S. Citizenship and Immigration Services	

Attorneys for Plaintiff: Matthew H. Adams, Emily J. Creighton, Mary A. Kenney, Stacy E. Tochin, and Trina A. Realmuto

Attorneys for Defendant: Cristen C. Handley, Elizabeth Shapiro, and Matthew C. Skurnik

Deputy Clerk: Jean Davis

Court Reporter: Ruth Levine Ekhaus

PROCEEDINGS

Case Management Conference conducted via videoconference. Having read the motion for a partial stay, the briefs and the quarterly reports since entering the permanent injunction, the court orders from the bench that the motion (Dkt. No. 138) is DENIED. No further written order will follow.

The transcript of the hearing includes the reasoning of the court: in short, the government has authorized a solitary system for non-citizens to get their A-files, the harm caused by the government's failure to comply with the deadlines has been well described in prior orders, and the government is not now and has not been in compliance with the injunction, although it has made progress towards a long term solution as well as efforts in the interim to come towards compliance. The court sees no benefit to the parties if the government's motion was granted and substantial harm in allowing a standardless timeframe to govern FOIA requests for A-files. Under either Rule 60(b) or the "safety valve" provision in FOIA, the court does not find merit in the motion nor "exceptional circumstances" that warrant a stay. The government is urged to continue to take the actions necessary to achieve full compliance with the injunction. It shall continue to file Quarterly Compliance Reports as required by the permanent injunction.

A further Case Management Conference is set for **January 24, 2023** at 2 p.m. or at such other time to which the parties stipulate.