UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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| FAYEZ MANSOR, et al. ,<br><br>Plaintiffs,<br><br>v.<br><br>UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, et al.,<br><br>Defendants. | CASE NO. C23-0347JLR<br><br>ORDER |

Before the court are the parties' pending cross motions for summary judgment. (Plfs. MSJ (Dkt. # 89); Defs. MSJ (Dkt. # 92).) In those cross motions, the parties briefed the issue of whether Defendant U.S. Citizenship and Immigration Services' ("USCIS") Prima Facie Eligibility Streamlined Case Processing ("PFE SCP") system for adjudicating concurrently-filed applications for employment authorization and temporary protected status complies with certain statutory and regulatory requirements. (*See generally* Plfs. MSJ; Defs. MSJ.)

On February 10, 2025, the Defendants filed a "Notice of Administrative Action" stating that Defendants have "paused PFE SCP to review the sufficiency of the background checks within the PFE SCP workflow" and to "ensure compliance with" certain January 20, 2025 Executive Orders. (*See* Not. (Dkt. # 97).) On February 11, 2025, the court ordered the parties to show cause why their pending cross motions should not be stricken from the docket, with leave to refile the motions at a later date, if appropriate, after Defendants have completed their review. (*See* 2/11/25 Order (Dkt. # 98).)

The parties timely filed responses to the court's order to show cause. (*See* Defs. Resp. (Dkt. # 99); Pls. Resp. (Dkt. # 100).) Defendants assert that "USCIS has just begun its review of the sufficiency of the workflow's background checks and has not yet determined whether it will make any changes to the PFE SCP workflow" and that it is therefore "unknown at this time whether the substance of the parties' motion for summary judgment briefing will be affected" by this review. (Defs. Resp. at 2.) Defendants request that the court stay its decision on the parties' cross motions for 30 days while USCIS conducts its review of the PFE SCP background checks and workflow. (*Id.*)

Plaintiffs "oppose any delay in the [c]ourt's consideration" of the parties' cross motions because the parties' "briefing addresses Defendants' failure to [comply with statutory and regulatory requirements] through both [PFE SCP], and Defendants' alternative 'one-touch' processing system." (Plfs. Resp. at 2 (citations omitted).) In Plaintiffs' view, "Defendants' decision to pause [PFE SCP] . . . effectively means that

[Defendants] are back to *only* one-touch processing for all applications." (*Id.* at 3 (emphasis in original).) Plaintiffs assert that "regardless of which processing system [is applied]," Defendants are failing to comply with the controlling statute and regulations, "mak[ing] the need for prompt judicial intervention all the more pressing." (*See id.* at 2-3.)

The court cannot resolve the parties' disputes with respect to the PFE SCP system while that workflow is under review and the facts underlying the parties' respective motions may change. The court also cannot resolve the portion of the parties' cross motions related to the one-touch processing system without knowing if or how that system may be impacted after the Defendants' review is completed. Plaintiffs' assertion that Defendants' review is "highly unlikely to result in an adjudicative system that allays Plaintiffs' concerns" is purely speculative at this juncture. (*See* Plfs. Resp. at 4.) Because Defendants "endeavor to complete" review of the PFE SCP within 30 days (*see* Defs. Resp. at 2), the court concludes that striking the parties' cross motions at this time is premature. In the interest of efficiently using judicial resources, the court DIRECTS the Clerk to renote the parties' cross motions for summary judgment (Dkt. ## 89, 92) for **March 14, 2025**. Defendants are ORDERED to file a status report regarding the status of USCIS's review and its effect, if any, on the pending cross motions **by March 14, 2025**.

Dated this 18th day of February, 2025.

JAMES L. ROBART
United States District Judge