United States Court of Appeals
For the First Circuit

No. 26-1212

D.V.D.; M.M.; E.F.D.; O.C.G.,

Plaintiffs - Appellees,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, Secretary of Department of Homeland Security (DHS); PAMELA J. BONDI, United States Attorney General; ANTONE MONIZ, Superintendent of the Plymouth County Correctional Facility,

Defendants - Appellants.

Before

Montecalvo, Howard, and Aframe,
Circuit Judges.

ORDER

Entered: March 16, 2026

Defendants' emergency motion for stay pending appeal is granted.[1]

Defendants shall file their opening brief within fourteen (14) days of the issuance of this order. Plaintiffs shall file their responsive brief within fourteen (14) days of the filing of Defendants' opening brief. Defendants shall then file any reply brief within seven (7) days of the filing of Plaintiffs' responsive brief. In addition to fully briefing all issues that the parties wish to present, the parties should address the following questions:

1. The significance, if any, of 8 U.S.C. § 1252(e) and its subparts for purposes of Defendants' contention that the district court lacked authority to declare unlawful and set aside the March 2025 Guidance implementing a covered provision of 8 U.S.C. § 1252(f)(1) other than 8 U.S.C. § 1225(b).

[1] MONTECALVO, Circuit Judge, would have denied the stay.

2. Whether the appeal with respect to class members ineligible for statutory withholding of removal under 8 U.S.C. § 1231(b)(3) can be resolved without regard to any question of procedural due process under the Fifth Amendment to the Constitution.

The parties are permitted to file opening and responsive briefs that do not exceed 15,600 words. Defendants may file a reply that does not exceed 7,800 words. Extensions of the briefing deadlines will be granted only for grave cause.

The Court intends to hold oral argument soon after briefing is complete.

By the Court:

Anastasia Dubrovsky, Clerk

cc:
Honorable Brian E. Murphy, Robert Farrell, Clerk, United States District Court for the District of Massachusetts, Donald Campbell Lockhart, Brett Allen Shumate, Abraham R. George, Drew C. Ensign, Matthew Patrick Seamon, Mary Larakers, Mark Sauter, Yaakov Roth, Aysha Iqbal, Daniel Cappelletti, Sarah Welch, Jonathan Guynn, Trina A. Realmuto, Mary A. Kenney, Kristin Macleod-Ball, Aaron Korthuis, Anwen Hughes, Glenda M. Aldana Madrid, Leila Kang, Matthew H. Adams, Inyoung Hwang, Olivia Callan, Christopher Anthony Hatfield, Maxwell Mishkin, Isabella Salomao Nascimento