

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA LATINO ALLIANCE FOR	:	
HUMAN RIGHTS, LORENA	:	
GUILLEN, and KARLA LOPEZ,	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION
vs.	:	NO. 1:16-cv-00757-WCO
	:	
C. DEAN ALFORD, ET AL.,	:	
	:	
Defendants.	:	

ORDER

This case is before the court on plaintiffs’ motion for preliminary injunction [64], defendants’ motion to dismiss¹ [65], and plaintiffs’ motion to stay proceedings [92]. The court has delayed ruling on this matter in light of repeated indications that the President intended to take some action regarding Deferred Action for Childhood Arrivals (“DACA”). The Fulton County Superior Court decision granting similar tuition relief to DACA participants via writ of mandamus strengthened this inclination, and that case is now before the Supreme Court of Georgia.

¹ By some omission, defendant Dr. Cecil Staton does not appear to join defendants’ motion to dismiss.

This court heard from the parties on the issue of staying this case pending the Supreme Court of Georgia's ruling, and, after arguments by both sides as to whether defendants' policy should be considered a matter of state or federal interpretation, the court granted the motion to stay via teleconference held on February 14, 2017. This order serves to memorialize that ruling.

Accordingly, defendants' motion to stay proceedings [92] is hereby **GRANTED**. Plaintiffs' motion for preliminary injunction is hereby **DENIED without prejudice**. Defendants' motion to dismiss is hereby **DENIED without prejudice**. Defendants' deadline to answer the complaint is hereby extended until May 1, 2017. Either party may renew their previously pending motion at any time, including with it any supplemental briefing in light of actions that may have been taken by the President or the Supreme Court of Georgia.

IT IS SO ORDERED, this 16th day of February, 2017.

s/William C. O'Kelley _____
William C. O'Kelley
Senior United States District Judge