

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:17-cv-01670-MHC**

Colotl Coyotl v. Kelly et al
Assigned to: Judge Mark H. Cohen
Cause: 05:702 Administrative Procedure Act

Date Filed: 05/09/2017
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

Jessica M. Colotl Coyotl

represented by **Charles H. Kuck**
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ATTORNEY TO BE NOTICED

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V.

Defendant

John F. Kelly
*Secretary, Department of Homeland
Security*

represented by **James Walker**
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ATTORNEY TO BE NOTICED

Defendant

Mark J. Hazuda
*Director, Nebraska Service Center, U.S.
Citizenship and Immigration Services*

represented by **James Walker**
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey S. Robins
(See above for address)
ATTORNEY TO BE NOTICED

Sheetul Sheth Wall
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ATTORNEY TO BE NOTICED

Defendant

Lori Scialabba
*Acting Director, U.S. Citizenship and
Immigration Services*
TERMINATED: 05/18/2017

represented by **James Walker**
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ATTORNEY TO BE NOTICED

Sheetul Sheth Wall
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ATTORNEY TO BE NOTICED

Defendant

Alfie Owens
*Chief Counsel, Atlanta Office of Principal
Legal Advisor, U.S. Immigration and
Customs Enforcement*
TERMINATED: 05/18/2017

represented by **James Walker**
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Sheetul Sheth Wall
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ATTORNEY TO BE NOTICED

Defendant

Sirce Owen
*Deputy Chief Counsel, Atlanta Office of
Principal Legal Advisor, U.S.
Immigration and Customs Enforcement*
TERMINATED: 05/18/2017

represented by **James Walker**
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Sheetul Sheth Wall
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ATTORNEY TO BE NOTICED

Defendant

James McCament
Acting Director, U.S. Citizenship and
Immigration Services

represented by **James Walker**
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ATTORNEY TO BE NOTICED

Jeffrey S. Robins
(See above for address)
ATTORNEY TO BE NOTICED

Sheetul Sheth Wall
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ATTORNEY TO BE NOTICED

Defendant

Thomas D. Homan
Acting Director, U.S. Immigration and
Customs Enforcement

represented by **James Walker**
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ATTORNEY TO BE NOTICED

Jeffrey S. Robins
(See above for address)
ATTORNEY TO BE NOTICED

Sheetul Sheth Wall
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ATTORNEY TO BE NOTICED

Defendant

Sean W. Gallagher
Atlanta Field Office Director, U.S.
Immigration and Customs Enforcement

represented by **James Walker**
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ATTORNEY TO BE NOTICED

Jeffrey S. Robins
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ATTORNEY TO BE NOTICED

Sheetul Sheth Wall
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/09/2017	<u>1</u>	COMPLAINT filed by Jessica M. Colotl Coyotl. (Filing fee \$ 400 receipt number 113E-7136348.) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A2, # <u>4</u> Exhibit A3, # <u>5</u> Exhibit A4, # <u>6</u> Exhibit A5, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit E, # <u>11</u> Exhibit F, # <u>12</u> Exhibit G, # <u>13</u> Exhibit H)(jpa) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. Modified on 5/25/2017. Exhibits restricted to due confidential information. Atty to file a notice with redacted exhibits. (jtj) (Entered: 05/10/2017)
05/10/2017	<u>2</u>	Summons Issued as to Alfie Owens. (jpa) (Additional attachment(s) added on 5/10/2017: # <u>1</u> Corrected Summons) (jpa). (Entered: 05/10/2017)
05/10/2017	<u>3</u>	Summons Issued as to John F. Kelly. (jpa) (Additional attachment(s) added on 5/10/2017: # <u>1</u> Corrected Summons) (jpa). (Entered: 05/10/2017)
05/10/2017	<u>4</u>	Summons Issued as to Lori Scialabba. (jpa) (Additional attachment(s) added on 5/10/2017: # <u>1</u> Corrected Summons) (jpa). (Entered: 05/10/2017)
05/10/2017	<u>5</u>	Summons Issued as to Sirce Owen, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Attorney General, # <u>2</u> U.S. Attorney)(jpa) (Additional

		attachment(s) added on 5/10/2017: # <u>3</u> Sirce Corrected Summons, # <u>4</u> U.S. Attorney Corrected Summons, # <u>5</u> Attorney General Corrected Summons) (jpa). (Entered: 05/10/2017)
05/10/2017	<u>6</u>	Summons Issued as to Mark J. Hazuda. (jpa) (Additional attachment(s) added on 5/10/2017: # <u>1</u> Corrected Summons) (jpa). (Entered: 05/10/2017)
05/10/2017	<u>7</u>	STANDING ORDER regarding civil litigation. Signed by Judge Mark H. Cohen on 5/10/17. (jpa) (Entered: 05/10/2017)
05/18/2017	<u>8</u>	First AMENDED COMPLAINT for Declaratory and Injunctive Relief against Mark J. Hazuda, John F. Kelly, James McCament, Thomas D. Homan, Sean W. Gallagher, filed by Jessica M. Colotl Coyotl.(Claffey, Danielle) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 05/18/2017)
05/18/2017		*** Party Lori Scialabba (Acting Director, U.S. Citizenship and Immigration Services), Sirce Owen (Deputy Chief Counsel, Atlanta Office of Principal Legal Advisor, U.S. Immigration and Customs Enforcement) and Alfie Owens (Chief Counsel, Atlanta Office of Principal Legal Advisor, U.S. Immigration and Customs Enforcement) terminated. (jpa) (Entered: 05/22/2017)
05/22/2017	<u>9</u>	APPLICATION for Admission of Katrina L. Eiland Pro Hac Vice (Application fee \$ 150, receipt number 113E-7161371)by Jessica M. Colotl Coyotl. (Claffey, Danielle) (Entered: 05/22/2017)
05/22/2017	<u>10</u>	PROPOSED SUMMONS filed by Jessica M. Colotl Coyotl on James McCament (Claffey, Danielle) (Entered: 05/22/2017)
05/22/2017	<u>11</u>	PROPOSED SUMMONS filed by Jessica M. Colotl Coyotl on Sean W. Gallagher (Claffey, Danielle) (Entered: 05/22/2017)
05/22/2017	<u>12</u>	PROPOSED SUMMONS filed by Jessica M. Colotl Coyotl on Thomas D. Homan (Claffey, Danielle) (Entered: 05/22/2017)
05/23/2017	<u>13</u>	Electronic Summons Issued as to Sean W. Gallagher, Thomas D. Homan, James McCament. (Attachments: # <u>1</u> Homan summons, # <u>2</u> McCament summons)(jpa) (Entered: 05/23/2017)
05/23/2017	<u>14</u>	First MOTION for Temporary Restraining Order and/or Preliminary Injunction and REQUEST to Waive the Usual Procedures IMMEDIATE HEARING REQUESTED with Brief In Support by Jessica M. Colotl Coyotl. (Attachments: # <u>1</u> Brief Memorandum of Law, # <u>2</u> Affidavit Colotl Declaration, # <u>3</u> Affidavit Kuck Declaration, # <u>4</u> Exhibit Ex 1: Consent Order Dismissing Charges, # <u>5</u> Exhibit Ex 2: Criminal Docket, # <u>6</u> Exhibit Ex 3: Dead Docket Notice, # <u>7</u> Exhibit Ex 4: Plea and Arraignment, # <u>8</u> Exhibit Ex 5: Velez Letter of Recommendation, # <u>9</u> Exhibit Ex 6: Figueroa Letter in Support, # <u>10</u> Exhibit Ex 7: Silva Letter in Support, # <u>11</u> Exhibit Ex 8: BIA Decision and Order, # <u>12</u> Exhibit Ex 9: DHS Supplemental Brief in Immigration Court, # <u>13</u> Exhibit Ex 10: DHS Second Supplemental Brief in Immigration Court, # <u>14</u> Exhibit Ex 11: Napolitano Memorandum, # <u>15</u> Exhibit Ex 12: Kelly Memorandum, # <u>16</u> Exhibit Ex 13: DHS Q &A, # <u>17</u> Exhibit Ex 14: DACA Standard Operating Procedures Excerpts, # <u>18</u> Exhibit Ex 15: President Obama Remarks, # <u>19</u> Exhibit Ex 16: President Trump DACA Remarks Politico Article, # <u>20</u> Exhibit Ex 17: USCIS DACA FAQ, # <u>21</u> Exhibit Ex 18: President Trump DACA Remarks Time Article, # <u>22</u> Exhibit Ex 19: President Trump DACA Remarks New York Times Article, # <u>23</u> Exhibit Ex 20: President Trump DACA Remarks ABC News Article, # <u>24</u> Exhibit Ex 21: President Trump DACA Remarks AP Article, # <u>25</u> Exhibit Ex 22: 2012 DACA Application, # <u>26</u> Exhibit Ex 23: 2015 DACA Renewal Application, # <u>27</u> Exhibit Ex 24: 2016 DACA Renewal Application, # <u>28</u> Exhibit Ex 25: AP Article about Ms. Colotl, # <u>29</u> Exhibit Ex 26: Atlanta Journal-Constitution Article about Ms. Colotl, # <u>30</u> Exhibit Ex 27: NPR Morning Edition Article about Ms. Colotl, # <u>31</u> Exhibit Ex 28: WXIA Article about Ms. Colotl, # <u>32</u> Exhibit Ex 29: New York Times Article about Ms. Colotl, # <u>33</u> Text of Proposed Order Proposed Order)(Kuck, Charles) . Added MOTION for Preliminary Injunction, MOTION on 5/23/2017 (jpa). (Entered: 05/23/2017)

05/23/2017		Notification of Docket Correction re <u>14</u> First MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> IMMEDIATE HEARING REQUESTED MOTION for Preliminary Injunction. Three part motion docketed as one. Added Motion for Preliminary Injunction and Motion to Waive the Usual Procedures. (jpa) (Entered: 05/23/2017)
05/23/2017	<u>15</u>	APPLICATION for Admission of Jennifer Chang Newell Pro Hac Vice (Application fee \$ 150, receipt number 113E-7164783)by Jessica M. Colotl Coyotl. (Claffey, Danielle) (Entered: 05/23/2017)
05/24/2017	<u>16</u>	NOTICE of Appearance by Jeffrey S. Robins on behalf of Sean W. Gallagher, Mark J. Hazuda, Thomas D. Homan, John F. Kelly, James McCament (Robins, Jeffrey) (Entered: 05/24/2017)
05/25/2017		MINUTE ORDER re <u>14</u> MOTION for Temporary Restraining Order. The Court orders the Defendants to file a response brief on 5/31/17. Plaintiff shall file a reply brief on 6/5/17. Hearing on the motion for temporary restraining order is set on 6/8/17 at 10:00 AM in courtroom 1905 by CRD by direction of the Court. Approved by Judge Mark H. Cohen on 5/25/17. (jgs) (Entered: 05/25/2017)
05/26/2017	<u>17</u>	NOTICE Of Filing Redacted Exhibits to Complaint by Jessica M. Colotl Coyotl re <u>1</u> Complaint,, <i>Redacted Exhibits</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Kuck, Charles) (Entered: 05/26/2017)
05/31/2017		NOTICE of Hearing on Motion re: <u>14</u> First MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> IMMEDIATE HEARING REQUESTED MOTION for Preliminary Injunction Motion Hearing set for 6/8/2017 at 10:00 AM in ATLA Courtroom 1905 before Judge Mark H. Cohen. (jgs) (Entered: 05/31/2017)
05/31/2017	<u>18</u>	RESPONSE in Opposition re <u>14</u> First MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> IMMEDIATE HEARING REQUESTED MOTION for Preliminary Injunction filed by Sean W. Gallagher, Mark J. Hazuda, Thomas D. Homan, John F. Kelly, James McCament. (Attachments: # <u>1</u> Declaration in Support of Exhibits, # <u>2</u> All Exhibits)(Robins, Jeffrey) (Entered: 05/31/2017)
06/05/2017	<u>19</u>	REPLY to Response to Motion re <u>14</u> First MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> IMMEDIATE HEARING REQUESTED MOTION for Preliminary Injunction <i>Reply</i> filed by Jessica M. Colotl Coyotl. (Attachments: # <u>1</u> Affidavit Declaration of Charles H. Kuck, # <u>2</u> Exhibit Screenshot of DHS Website, # <u>3</u> Exhibit ICE Statement)(Kuck, Charles) (Entered: 06/05/2017)
06/06/2017	<u>20</u>	NOTICE of Appearance by Sheetul Sheth Wall on behalf of Sean W. Gallagher, Mark J. Hazuda, Thomas D. Homan, John F. Kelly, James McCament, Sirce Owen, Alfie Owens, Lori Scialabba (Wall, Sheetul) (Entered: 06/06/2017)
06/08/2017	<u>21</u>	Minute Entry for proceedings held before Judge Mark H. Cohen: Motion Hearing held on 6/8/2017 re <u>14</u> First MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> IMMEDIATE HEARING REQUESTED MOTION for Preliminary Injunction filed by Jessica M. Colotl Coyotl. The Court heard from counsel and took the matter under advisement. The Defendant shall provide any applicable SOP sections not presently in the record by end of business today. The Court will take the matter under advisement and issue a ruling next week. (Court Reporter Judith Wolff)(jpa) (Entered: 06/08/2017)
06/08/2017	<u>22</u>	ORDER directing the Clerk to unseal the documents and make the case filings to the public through PACER. Signed by Judge Mark H. Cohen on 6/8/17. (jpa) Modified on 6/13/2017 in order to correct typo (anc). (Entered: 06/08/2017)
06/08/2017	<u>23</u>	NOTICE of Appearance by James Walker on behalf of Sean W. Gallagher, Mark J. Hazuda, Thomas D. Homan, John F. Kelly, James McCament, Sirce Owen, Alfie Owens, Lori Scialabba (Attachments: # <u>1</u> Certificate of Service)(Walker, James) (Entered: 06/08/2017)
06/08/2017	<u>24</u>	PROVISIONALLY SEALED NOTICE Of Filing Additional exhibits per Courts Minute Entry by Sean W. Gallagher, Mark J. Hazuda, Thomas D. Homan, John F.

		Kelly, James McCament, Sirce Owen, Alfie Owens, Lori Scialabba (Attachments: # <u>1</u> Exhibit Additional exhibits)(Walker, James) (Entered: 06/08/2017)
06/08/2017	<u>25</u>	MOTION for Leave to File Matters Under Seal re: <u>24</u> Notice of Filing, <i>Additional Exhibits</i> with Brief In Support by Sean W. Gallagher, Mark J. Hazuda, Thomas D. Homan, John F. Kelly, James McCament, Sirce Owen, Alfie Owens, Lori Scialabba. (Walker, James) (Entered: 06/08/2017)
06/09/2017	<u>26</u>	RESPONSE re <u>24</u> Notice of Filing, <i>of Supplemental Exhibits</i> filed by Jessica M. Colotl Coyotl. (Kuck, Charles) (Entered: 06/09/2017)
06/12/2017		Submission of <u>14</u> First MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> IMMEDIATE HEARING REQUESTED MOTION for Preliminary Injunction, submitted to District Judge Mark H. Cohen. (jpa) (Entered: 06/12/2017)
06/12/2017	<u>27</u>	DOCUMENT FILED IN ERROR TRANSCRIPT of Proceedings held on 6/8/17 (Emergency Motion For TRO), before Judge Mark H. Cohen. Court Reporter/Transcriber Judith M. Wolff, Telephone number 404-215-1317. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2017. Redacted Transcript Deadline set for 7/13/2017. Release of Transcript Restriction set for 9/11/2017. (Attachments: # <u>1</u> Notice of Filing Transcript) (pjm) Modified on 6/13/2017 (jpa). (Entered: 06/12/2017)
06/12/2017	<u>28</u>	ORDER granting in part the <u>14</u> Motion for TRO and/or for a Preliminary Injunction. It is hereby ORDERED that USCIS's decision to terminate Plaintiff's status under the Deferred Action for Childhood Arrivals program memorialized in the May 3, 2017, Termination Notice is preliminarily enjoined. This preliminary injunction also applies to enjoin Defendants' termination of Plaintiff's employment authorization, which was included as a portion of the May 3, 2017, Termination Notice. It is further ORDERED that USCIS's decision to deny Plaintiff's renewal application for DACA status memorialized in the May 8, 2017, Decision is preliminarily enjoined. It is further ORDERED that Defendants shall reconsider the termination of Plaintiff's DACA status and re-adjudicate Plaintiff's renewal application in a manner consistent with the Department of Homeland Security's Standard Operating Procedures and this Order. It is further ORDERED that Plaintiff's DACA status, including her employment authorization, is reinstated pending Defendants' re-adjudication of Plaintiff's renewal application and reconsideration of the termination of Plaintiff's DACA status. This Order shall remain effective until further Order from this Court, which will issue only after Defendants have submitted sufficient proof that they have followed all relevant standard operating procedures regarding the adjudication of Plaintiff's renewal application and any termination of Plaintiff's DACA status. Signed by Judge Mark H. Cohen on 6/12/17. (jpa) (Entered: 06/12/2017)
06/12/2017	<u>29</u>	TRANSCRIPT of Proceedings held on 6/8/17 (Emergency Motion for TRO), before Judge Mark H. Cohen. Court Reporter/Transcriber Judith M. Wolff, Telephone number 404-215-1317. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2017. Redacted Transcript Deadline set for 7/13/2017. Release of Transcript Restriction set for 9/11/2017. (Attachments: # <u>1</u> Notice of Filing) (jpa) (Entered: 06/13/2017)
06/13/2017		APPROVAL by Clerks Office re: <u>9</u> APPLICATION for Admission of Katrina L. Eiland Pro Hac Vice (Application fee \$ 150, receipt number 113E-7161371). Attorney Katrina L. Eiland added appearing on behalf of Jessica M. Colotl Coyotl (pmb) (Entered: 06/13/2017)
06/13/2017		APPROVAL by Clerks Office re: <u>15</u> APPLICATION for Admission of Jennifer Chang Newell Pro Hac Vice (Application fee \$ 150, receipt number 113E-7164783). Attorney Jennifer Chang Newell added appearing on behalf of Jessica M. Colotl Coyotl (pmb) (Entered: 06/13/2017)

06/13/2017		MINUTE ORDER granting [9 &15] Applications for Admission Pro Hac Vice for Katrina L. Eiland and Jennifer Chang Newell by CRD by direction of the Court. Approved by Judge Mark H. Cohen on 6/13/17. (jgs) (Entered: 06/13/2017)
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