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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No.: 3:19-cv-04073-JST

East Bay Sanctuary Covenant, *et al.*,

Plaintiffs,

v.

Jeffrey A. Rosen, *et al.*,

Defendants.

**NOTICE OF MOTION AND MOTION
FOR LEAVE TO FILE AMENDED
AND SUPPLEMENTAL COMPLAINT
AND TO LIFT STAY OF
PROCEEDINGS**

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**Admitted Pro hac vice*

***Application for admission forthcoming*

TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs East Bay Sanctuary Covenant, Al Otro Lado, Innovation Law Lab, and Central American Resource Center of Los Angeles hereby move the Court for leave to file an amended and supplemental complaint and to lift the stay of proceedings. Plaintiffs seek to update their complaint to encompass the final version of the transit asylum ban rule, which the Trump administration issued on December 17, 2020, and which goes into effect January 19, 2021. The proposed First Amended and Supplemental Complaint (1) challenges the final transit ban rule on the same grounds asserted against the interim rule in the original complaint and (2) amends the claims to challenge the final rule as invalid because Department of Homeland Security Acting Secretary officials were not validly serving when the final rule was issued. A copy of Plaintiffs' proposed First Amended and Supplemental Complaint is attached to this motion as Exhibit A. A redline version that identifies the proposed additions and alterations is attached as Exhibit B.

Plaintiffs intend to move for preliminary relief against the final rule within the next few days. Should the Court wish to hear argument on this motion, Plaintiffs request that the hearing be combined with Plaintiffs' forthcoming motion for preliminary relief.

This motion is brought pursuant Federal Rule of Civil Procedure 15, and is based on the accompanying Memorandum in Support and materials cited therein; the attached proposed complaint; the pleadings and evidence on file in this matter; and such other materials and argument as may be presented in connection with the hearing on the motion.

Dated: January 19, 2021

Respectfully submitted,

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