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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL DAY LABORER ORGANIZING
NETWORK; CENTER FOR CONSTITUTIONAL
RIGHTS; and IMMIGRATION JUSTICE CLINIC OF
THE BENJAMIN N. CARDOZO SCHOOL OF LAW,

Plaintiffs,

- against -

UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY; UNITED STATES
DEPARTMENT OF HOMELAND SECURITY;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;
FEDERAL BUREAU OF INVESTIGATION; and
OFFICE OF LEGAL COUNSEL,

Defendants.

No. 10 Civ. 3488 (SAS)
ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Catrina Pavlik-Keenan, dated February 20, 2011; the Fourth Declaration of David M. Hardy, dated February 18, 2011; the Declaration of Donna A. Lewis, dated February 18, 2011; the Declaration of Crystal Rene Souza, dated February 18, 2011; and the accompanying memorandum of law, defendants United States

Immigration and Customs Enforcement, United States Department of Homeland Security, Federal Bureau of Investigation, Executive Office for Immigration Review, and Office of Legal Counsel (“defendants”) by their attorney, Preet Bharara, United States Attorney for the Southern District of New York, hereby move this Court for (i) an interim stay of this Court’s Opinion and Order dated February 7, 2011, and this Court’s Supplemental Order dated February 14, 2011 (collectively, the “Orders”) pending the disposition of this motion for a stay pending appeal, (ii) a stay of the Orders pending the disposition of defendants’ appeal to the United States Court of Appeals for the Second Circuit from the Orders, and (iii) if this motion is denied, a stay pending defendants’ motion in the United States Court of Appeals for the Second Circuit for a stay of the Orders.

In the event the Court grants the requested interim stay pending the disposition of this motion, the Government respectfully requests a return date of March 14, 2011.

Dated: New York, New York
February 21, 2011

Respectfully submitted,

PREET BHARARA
United States Attorney for the
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Attorney for Defendants

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