

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
PAUL W. GRIMM
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
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March 1, 2021

RE: *Casa de Maryland et al. v. Biden et al.*, 19-cv-2715-PWG¹
City of Gaithersburg et al. v. DHS et al., 19-cv-2851-PWG

LETTER ORDER

Dear Parties:

Pending is the Defendants' consolidated motion to dismiss, ECF No. 116 (*Casa*) and ECF No. 57 (*Gaithersburg*). The motion has been fully briefed. *Casa* ECF Nos. 117, 118; *Gaithersburg* ECF Nos. 58, 59. Since completing briefing on the motion, a new president took office, which appears to have implications in this case.

On February 3, 2021, Defendant filed a Notice informing the Court of recently inaugurated President Biden's February 2, 2021 Executive Order ("EO") that addressed issues pertinent to this litigation. The EO is titled "Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans." It is available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>. The section of the EO most pertinent to this case reads:

The Secretary of State, the Attorney General, the Secretary of Homeland Security, and the heads of other relevant agencies, as appropriate, shall review all agency actions related to implementation of the public charge ground of inadmissibility in section 212(a)(4) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(4), and the related ground of deportability in section 237(a)(5) of the INA, 8 U.S.C. 1227(a)(5). They shall, in considering the effects and implications of public charge policies, consult with the heads of relevant agencies, including the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Housing and Urban Development.

The listed individuals are directed to submit within 60 days from the EO's issuance a report to the President that identifies any proposed changes each agency will take to "reduce fear and confusion among impacted communities."

After notifying me of their intent to confer with the Plaintiffs regarding the impact of this EO on the instant litigation, the Government suggested submitting a joint status report regarding the result of their discussion, which I approved. On February 19, 2021, the parties filed a joint

¹ President Joseph R. Biden is substituted as the defendant for former President Donald J. Trump under Fed. R. Civ. P. 25(d). *Casa* ECF No. 135.

status report, which proposed filing another status report by April 9, 2021, one week after the deadline the EO imposed on the relevant agency heads to propose changes associated with the public charge rule. I agree with the parties that a status report by April 9, 2021 is the appropriate course of action. The parties are further directed to submit joint status reports every 45 days after the first report that updates me on the status of the administration's review of the policy and any other issues pertinent to the resolution of this case.

It is also apparent to me that, in light of the new administration's EO, the interpretation of the public charge rule that is being litigated in this case is being re-reviewed. In the interests of judicial economy, the pending motion to dismiss, *Casa* ECF No. 116; *Gaithersburg* ECF No. 57, is hereby denied without prejudice while the administration reviews the public charge rule. The motion is subject to reinstatement by the Defendants after the re-review process is complete.

Although informal, this is an Order of Court and shall be docketed accordingly.

Sincerely,

/s/

Paul W. Grimm
United States District Judge