UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN CIVIL LIBERTIES UNION OF MASSACHUSETTS, INC., Plaintiff, v. U.S. DEPARTMENT OF DEFENSE, Defendant.	C.A. No. 26-13447-PBS

STATUS REPORT
AND NOTICE OF WITHDRAWAL OF MOTION

Plaintiff American Civil Liberties Union of Massachusetts, Inc. ("ACLUM") provides the following status report. Additionally, in light of a production of records by the Defendant Department of Defense ("DOD") on October 27, 2026, ACLUM hereby withdraws its pending motion for partial summary judgment (D.E. 8) on the grounds that it appears that DOD has now produced the three specified records that were the subject of that motion.

1. ACLUM filed the Complaint in this matter (D.E.1) under the Freedom of Information Act ("FOIA") against DOD on July 29, 2026. The Complaint seeks various records relevant to the assignment of military personnel to sit as Temporary Immigration Judges in the Immigration Courts.

2. Among other things, the Complaint seeks the release of three specific records that the United States Marine Corps referred to the U.S. Department of Defense ("DOD") for determination on potential release (the "Referred Records"). *See* Compl. (D.E. 1) ¶¶37-38, 46-51.

3. The Referred Records are: (a) a memorandum of August 27, 2025: "Identification of Judge Advocate General Officers and Civilian Attorneys for Potential Detail to the Department

of Justice;" (b) a memorandum of August 27, 2025: "Potential Department of Defense Support for Immigration Adjudication;" and (c) a Memorandum of Agreement Between the Department of Justice Executive Office for Immigration Review and the Department of War for the Detailing of Temporary Immigration Judges.

4. On August 14, 2026, ACLUM filed a motion for partial summary judgment (D.E. 8) for release of the Referred Records.

5. The Court held a status conference on September 15, 2026, during which it set a briefing schedule for the motion for partial summary judgment. *See* Sept. 15, 2026 Clerk's Notes (D.E. 16). The Court also set a hearing on the motion for December 15, 2026. *See id.*

6. The parties subsequently conferred later in September, and DOD agreed to "undertake good faith efforts to produce the three records sought by [the motion] by October 28, 2026." *See* Joint Status Report and Proposed Revised Schedule (D.E. 20) at 2. The parties consequently proposed to postpone DOD's opposition brief until early November, *see id.* at 3, and the Court adopted the proposed revised schedule. *See* Sept. 30, 2026 Electronic Order (D.E. 22).

7. On October 27, 2026, DOD made a records production. The files produced are attached hereto as Exhibits A-E. The records production appears to include the three Referred Records sought by the pending motion for partial summary judgment, with the identify information for certain government personnel redacted.

8. Accordingly, in light of DOD's production of the records sought by the motion, ACLUM hereby withdraws its motion for partial summary judgment (D.E. 8).

9. The parties are currently arranging a time to confer about a proposed schedule to address the remainder of the case. Counsel anticipate they will likely be able to confer in first half

of November. Undersigned counsel anticipate submitting a proposed schedule and/or status report to the Court upon completion of that conference.

Dated: November 2, 2026

Respectfully submitted,

/s/ Julian Bava

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CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2026, the foregoing document will be served on counsel for all parties through the Court's CM / ECF system.

Date: November 2, 2026

/s/ Julian Bava
Julian Bava