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Subject: Activity in Case 1:20-cv-10566-IT Bollat Vasquez et al v. Wolf et al Order on Motion to Dismiss

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United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 10/12/2021 at 3:39 PM EDT and filed on 10/12/2021

Case Name: Bollat Vasquez et al v. Wolf et al

Case Number: [1:20-cv-10566-IT](#)

Filer:

Document Number: 112(No document attached)

Docket Text:

Judge Indira Talwani: ELECTRONIC ORDER: pending before the court is Defendants' Motion to Dismiss as Moot or, in the alternative, to Stay Pending Review of the Migrant Protection Protocols ("MPP") [99]. Defendants asserted that this matter is moot where Plaintiffs have already been paroled into the United States pending removal proceedings and will not be returned to Mexico pursuant to MPP. Defendants requested in the alternative that, should the court find that the case is not moot, the case be stayed pending completion of the Department of Homeland Security's ("DHS") review of the MPP. Defendants subsequently notified the court first that Defendant Alejandro Mayorkas, Secretary of the Department of Homeland Security, had issued a memorandum (the "June 1 memorandum") terminating MPP, see Status Report [109], and later that the Northern District of Texas found that the June 1, 2021 termination of MPP did not follow the requirements of the Administrative Procedure Act, vacated that termination, and required DHS to enforce and implement MPP in good faith. Notice of Injunction 1 [110] (citing Texas v. Biden, No. 2:21-cv-0067, 2021 WL 3603341 (N.D. Tex. Aug. 13, 2021), stay denied, Texas v. Biden, No. 21-10806, 2021 WL 3674780 (5th Cir. Aug. 19, 2021), stay denied, Biden v. Texas, No. 21-A-21, 2021 WL 3732667 (S.Ct. Aug. 24, 2021)). Defendants assert that the nationwide injunction "will not impact Plaintiffs" where Plaintiffs "have been paroled into the United States pending removal proceedings under 8 U.S.C. § 1229a, and, in March of 2021,... DHS committed not to return them to Mexico." Id. at 1-2.

While Defendants' commitment not to return the Plaintiffs to Mexico pending removal proceedings -- as articulated in their Motion [99], the Declaration of Todd M. Lyons [100-3], and the Notice of Injunction in Texas v. Biden [110] -- may be sufficient to remove the immediacy of the threat of irreparable harm underlying the preliminary injunctions entered in this case, see Mem. & Order [45]; Mem. & Order [96], these assurances are not sufficient to render the case moot in light of the Memorandum and Order and nationwide injunction issued by the Northern District of Texas.

Accordingly, Defendants' Motion to Dismiss as Moot, or, in the Alternative, to Stay Pending Review of MPP [99] is denied. (Kelly, Danielle)

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