
No. 18-56151

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MS. L., et al.,
Petitioners-Appellees,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, et al.,
Respondents-Appellants.

ON APPEAL FROM A FINAL JUDGMENT OF THE
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA
D.C. No. 3:18-cv-00428-DMS-MDD

**DEFENDANTS-APPELLANTS' UNOPPOSED MOTION TO
VOLUNTARILY DISMISS APPEAL**

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Defendant-Appellants (“the government”) voluntarily move this Court for an order dismissing this appeal pursuant to Fed. R. App. P. 42(b). In support of this motion, the government states the following:

1. On February 27, 2018, one of the named plaintiffs to this action filed a complaint in the U.S. District Court for the Southern District of California alleging that the government had unlawfully separated her from her child, and seeking an order requiring that they be reunited. On March 9, 2018, Plaintiffs filed an amended complaint alleging that the government had a policy of unlawfully separating parents from their children and seeking declaratory and injunctive relief on behalf of a putative class of parents separated from their children.¹ Plaintiffs also filed a motion for class certification on that date, and on March 19, 2018, Plaintiffs filed a motion seeking a preliminary injunction enjoining the government’s policies and practices related to separations of parents and children.

2. On June 26, 2018, the district court entered a preliminary injunction that (a) enjoins the government from separating parents and their accompanying children who enter the United States at or between ports of entry absent a finding that the parent is unfit or a danger to the child (the class excludes parents with a criminal history or communicable disease), and (b) requires the reunification of such families

¹ The currently operative complaint is the Third Amended Complaint, filed on October 9, 2018 (ECF No. 250).

that previously had been separated. *See Ms. L. v. ICE*, No. 18-cv-0428, ECF No. 83 (S.D. Cal. June 26, 2018).

3. On August 24, 2018, Defendant-Appellants filed a timely notice of appeal from the June 26, 2018 preliminary-injunction order.

4. The appeal is currently held in abeyance until March 27, 2020. Dkt. No. 26.

5. The government has determined that appeal of the district court's order is no longer warranted. The government therefore wishes to withdraw the instant appeal.

Accordingly, the government moves to dismiss its appeal from the district court's order. No appeal briefs have been filed by either party. Undersigned counsel conferred with Mr. Lee P. Gelernt, counsel for Plaintiffs-Appellees, who advised that Plaintiffs-Appellees do not oppose this motion. The parties request that this Court grant this motion to voluntarily dismiss the instant appeal, with each party agreeing to bear its own fees and costs for the appeal.

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DATED: February 26, 2020

Respectfully submitted,

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By: /s/ Sarah B. Fabian
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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2020, I electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

s/ Sarah B Fabian

Sarah B. Fabian

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U.S. Department of Justice