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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

State of Arizona,

Plaintiff,

v.

Markwayne Mullin, Secretary of Homeland Security, sued in his official capacity; U.S. Department of Homeland Security; U.S. Immigration and Customs Enforcement; and Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement, sued in his official capacity,

Defendants.

No. 2:26-cv-02857-SMB

**[PROPOSED] STIPULATED  
ORDER RE: PLAINTIFF'S  
INTENDED MOTION FOR A  
PRELIMINARY INJUNCTION**



1           **Now, therefore, the parties stipulate and the Court orders as follows:**

2           1. Defendants' deadline to answer or otherwise respond to the Complaint is  
3 held in abeyance pending further order of the Court.

4           2. Absent a breach of the terms of this Order or a material change in  
5 circumstances, Plaintiff will not file a motion for a preliminary injunction or motion for  
6 a temporary restraining order until after the filing of the joint status report called for in  
7 paragraph 3 below.

8           3. Within ten days of Defendants providing Plaintiff a copy of the agency  
9 decision document that relies on a final EA addressing the retrofitting and use of the  
10 Surprise Facility as an immigration detention center, or a final EIS and ROD if  
11 Defendants determine that an EIS is necessary, the parties shall confer and submit a joint  
12 status report to the Court proposing a schedule for future proceedings, including the filing  
13 of any amended complaint, motion for a preliminary injunction, or responsive pleading.

14           4. From the date of this stipulated order until the end of the ten-day period  
15 reflected in paragraph 3 above, Defendants shall not detain any individual at the Surprise  
16 Facility or take actions to convert the Surprise Facility into an immigration detention  
17 center, including triggering performance obligations under the consolidated contract to  
18 initiate construction, demolition, retrofitting, or physical changes, except as provided  
19 below in paragraph 5. Further, if Plaintiff advises Defendants within the ten-day period  
20 reflected in paragraph 3 that Plaintiff intends to file a motion for a preliminary injunction,  
21 Defendants shall not take actions to convert the Surprise Facility into an immigration  
22 detention center, except as provided below in paragraph 5, until twenty-one (21) days  
23 after Defendants provide Plaintiff with a copy of the final EA, or until the Court issues an  
24 order allowing such activities, whichever is earlier.

25           5. Nothing in this stipulated order prohibits Defendants from preparing an EA  
26 or conducting related NEPA analysis, design, planning, engineering, inspections, studies,  
27 surveys, testing, due diligence, utility coordination, permitting or approval work,  
28 communications with utilities or government entities, contract administration,

1 procurement activity, or contract modification, provided that Defendants do not detain  
2 individuals at the Surprise Facility or undertake physical conversion work except as  
3 otherwise permitted by this Order. Nothing in this Order prohibits physical activities that  
4 are not undertaken to convert the Surprise Facility into an immigration detention center,  
5 including but not limited to: installation, repair, maintenance, or replacement of  
6 temporary or permanent fencing, including temporary fencing that does not involve  
7 ground disturbance; installing, repairing, maintaining, or replacing security cameras,  
8 lighting arranged to not direct light towards adjoining streets and properties, security  
9 signage at access points and around the property, access-control measures, building  
10 security alarm systems, temporary CCTV coverage with security trailers, locks, intrusion-  
11 alarm systems, and guard shacks; fire-alarm and sprinkler-related monitoring, inspection,  
12 repair, remediation, or maintenance, including water-damage remediation and  
13 replacement or repair of damaged interior or exterior building components; ordinary  
14 maintenance and repair of the roof, exterior walls, windows, doors, HVAC, electrical,  
15 plumbing, fire-alarm, sprinkler, security, access-control, and related building systems,  
16 including installation of additional HVAC units as necessary given the climate; exercising  
17 plumbing valves, and conducting backflow-prevention testing and certifications;  
18 custodial services, including cleaning, dusting, garbage removal, and trash removal;  
19 gardening and grounds maintenance; pest control; maintaining the facility structure and  
20 envelope to prevent leaks, breaches, and pest intrusion, including ensuring that the roof,  
21 walls, windows, and doors remain secure; interior drywall demolition and reconfiguration  
22 of office space solely for administrative, security, property-management, or  
23 environmental-review support purposes, and not for detainee housing, intake, processing,  
24 medical, kitchen, recreation, visitation, or detention operations; installation of protective  
25 ballistic film over existing windows for site-security purposes; and environmental,  
26 workplace-safety, and facility-safety compliance, including compliance with applicable  
27 EPA and OSHA requirements. For avoidance of doubt, the foregoing list is intended to  
28 be illustrative, and activities not included on this list are not prohibited by this Order so

1 long as they are not undertaken to convert the Surprise Facility into an immigration  
2 detention center or to detain individuals there.

3 6. Defendants shall file a status report with the Court sixty days after entry of  
4 this Order, and every sixty days thereafter until completion of the final EA and associated  
5 decision document, or final EIS and ROD if Defendants determine that an EIS is  
6 necessary, reflecting the status of the environmental-review process.

7 SO ORDERED.

8 DATED this \_\_\_\_ day of \_\_\_\_\_, 2026.

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12 Honorable Susan M. Brnovich  
13 United States District Judge  
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