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17-72917

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA and JANET NAPOLITANO, in her official capacity as President of the University of California,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY and ELAINE DUKE, in her official capacity as Acting Secretary of the Department of Homeland Security,

Defendants.

No. C 17-05211 WHA
No. C 17-05235 WHA
No. C 17-05329 WHA
No. C 17-05380 WHA
No. C 17-05813 WHA

ANSWER BY DISTRICT COURT TO PETITION FOR WRIT OF MANDAMUS

The district court thanks our court of appeals for the invitation to answer the petition. Time is of the essence because of the March 5 date set by the Department of Homeland Security to end DACA. All agreed on a schedule for all motions, all to be heard in time to decide and to present the case to the appellate court before the end date. All agreed that the administrative record would be filed but the version eventually filed had shortfalls, so federal defendants were ordered to complete the record, an order that evidently provoked the instant mandamus effort. The district court is of the view that a stay of all proceedings would be unwise in light of the termination date of March 5 and the need to adjudicate the case before that deadline. If the

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court of appeals nevertheless imposes a stay, then the district court asks that consideration be given to exempting motions for provisional relief.

Dated: October 23, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 20 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: UNITED STATES OF AMERICA; et
al.

No. 17-72917

UNITED STATES OF AMERICA; et al.,

Petitioners,

D.C. Nos. 3:17-cv-05211-WHA
3:17-cv-05235-WHA
3:17-cv-05329-WHA
3:17-cv-05380-WHA
3:17-cv-05813-WHA

v.

Northern District of California,
San Francisco

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

ORDER

Respondent,

REGENTS OF THE UNIVERSITY OF
CALIFORNIA; et al.,

Real Parties in Interest.

Before: GOULD and WATFORD, Circuit Judges.

This petition for a writ of mandamus raises issues that warrant an answer. See Fed. R. App. P. 21(b). Accordingly, no later than Tuesday, October 24, 2017 at 9:00 a.m. PST, the real parties in interest shall file an answer to the mandamus petition and the request for an administrative stay. The real parties in interest are encouraged to join in a single brief to the greatest extent practicable.

No later than Tuesday, October 24, 2017 at 9:00 a.m. PST, the district court may also address the petition if it so desires. The district court may elect to file an answer with this court or to issue an order and serve a copy on this court.

Petitioners may file a reply no later than Wednesday, October 25, 2017 at 9:00 a.m. PST.

The Clerk shall serve this order on the district court and District Judge William Alsup.