

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-02362-RBJ

DANA ALIX ZZYYM,

Plaintiff,

v.

MICHAEL R. POMPEO, *in his official capacity as Secretary of State*, and
STEVEN J. MULLEN, *in his official capacity as the Director of the Colorado Passport Agency
for the U.S. Department of State*,

Defendants.

**UNOPPOSED MOTION TO STAY
THE DEADLINE FOR DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION TO
STAY THE COURT'S INJUNCTION PENDING APPEAL**

Defendants hereby move to stay the January 3, 2019 deadline to file a reply in support of Defendants' motion to stay the Court's injunction pending appeal in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the deadline to file a reply in support of Defendants' motion to stay the Court's injunction pending appeal until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that Plaintiff has no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, Defendants hereby move to stay the deadline to file a reply in support of Defendants' motion to stay the Court's injunction pending appeal in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: December 26, 2018

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

JASON R. DUNN
United States Attorney

ANTHONY J. COPPOLINO
Deputy Director

/s/ Benjamin T. Takemoto
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Attorneys for Defendant

CERTIFICATE OF CONFERRAL

I certify that on December 26, 2018, I conferred with Plaintiff's counsel to attempt to resolve the matters raised in this motion. Plaintiff's counsel indicated that Plaintiff would not oppose the motion.

/s/ Benjamin T. Takemoto

BENJAMIN T. TAKEMOTO