

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE, *et al.*,

Plaintiffs,

v.

BUREAU OF THE CENSUS, *et al.*,

Defendants.

No. 8:18-cv-891

Hon. Paul W. Grimm
United States District Judge

**MOTION TO CONTINUE HEARING
DUE TO LAPSE OF APPROPRIATIONS**

Defendants move under 31 U.S.C. § 1342 to continue the hearing on the motion to dismiss scheduled for 1:00 p.m. on January 14, 2019 (*see* ECF No. 51), until Congress has restored appropriations to the U.S. Department of Justice and U.S. Department of Commerce. The grounds for this motion are as follows:

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the U.S. Department of Justice expired and appropriations for the Department lapsed. The same is true for Defendant U.S. Department of Commerce. It is unknown at this time when Congress will restore funding.

2. Without appropriations, Department of Justice and Department of Commerce employees are prohibited from working on these cases, 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. The government thus requests that the January 14, 2019 hearing on the motion to dismiss be continued until Congress has restored appropriations to the Departments of Justice and Commerce.

4. If this motion for a stay is granted, the government will notify the Court as soon as Congress has appropriated funds for the Department of Justice and Department of Commerce. The government requests that, at that point, the hearing be rescheduled at the Court’s convenience.

Undersigned counsel regrets any disruption to the Court and other litigants.

Dated: January 2, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

BRETT A. SHUMATE
Deputy Assistant Attorney General

JOHN R. GRIFFITHS
Director, Federal Programs Branch

CARLOTTA P. WELLS
Assistant Director, Federal Programs Branch

/s/ Stephen Ehrlich
GARRETT COYLE
STEPHEN EHRLICH
CAROL FEDERIGHI
MARTIN M. TOMLINSON
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Tel.: (202) 305-9803
Fax: (202) 616-8470
Email: stephen.ehrlich@usdoj.gov

Counsel for Defendants