UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NATIONAL ASSOCIATION OF IMMIGRATION JUDGES, affiliated with the International Federation of Professional and Technical Engineers, Plaintiff–Appellant, v. DAVID L. NEAL, in his official capacity as Director of the Executive Office for Immigration Review, Defendants–Appellee.	Civil Action No. 20-1868

JOINT MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFS

Plaintiff–Appellant the National Association of Immigration Judges ("NAIJ") and Defendant–Appellee David L. Neal, in his official capacity as the Director of the Executive Office for Immigration Review ("EOIR"), submit this joint motion for leave to file supplemental briefs. In support of this request, the parties state as follows:

1. NAIJ filed this lawsuit on July 1, 2020 to challenge a speaking-engagement policy issued by EOIR in 2017, and revised in 2020, that applied to immigration judges employed by the agency. The district court denied NAIJ's motion for a preliminary injunction on August 6, 2020. NAIJ appealed from that denial on August 7, 2020.

2. Although the appeal is fully briefed and was initially scheduled for oral argument on May 4, 2021, the case was stayed on April 26, 2021 to allow EOIR's new leadership an opportunity to consider revising the policy. ECF No. 39. The Court extended the stay by a further thirty days on September 10, 2021. ECF No. 46.

3. On October 12, 2021, EOIR Director David L. Neal issued a new speaking-engagement policy, that cancels its predecessor (the "2021 Policy"). A copy of the 2021 Policy is attached hereto as **Exhibit A**.

4. The parties have conferred but disagree about the effect of the 2021 Policy on this appeal. NAIJ believes that the 2021 Policy retains the same central flaws of the previous policy, and that the Court should, accordingly, move forward with scheduling the appeal for oral argument during the January 2022 argument session, during which period it has already been tentatively calendared. *See* ECF No. 47. EOIR believes that the 2021 Policy renders the appeal moot because it cancels and supersedes the previous policy, and that the appropriate course of action is to remand the case to the district court for further proceedings.

5. In light of the above, the parties jointly request leave to file short supplemental briefs addressing the implications of the 2021 Policy for this appeal. To give the Court sufficient time to consider those briefs and determine how the case should proceed ahead of the January 2022 argument session, the parties request leave

to simultaneously submit supplemental briefs, of no longer than 15 pages, by December 17, 2021.

December 2, 2021

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Respectfully submitted,

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