

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KUSUMA NIO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,**

Defendants.

Civil Action No. 17-0998 (ESH)

ORDER

For the reasons stated at the Court's June 20, 2018 hearing, it is hereby

ORDERED that defendants' motion to dismiss the second amended complaint, ECF No. 116, is **DENIED WITHOUT PREJUDICE**; it is further

ORDERED that plaintiffs shall file a motion, or partial motion, for summary judgment on all claims (excluding their unreasonable delay claim) on or before **August 13, 2018**. The motion will be limited to 45 pages (not including appendices). Plaintiffs should separate their arguments concerning the MSSD issue in their motion so that the briefing addresses defendants' July 7th Policy with the MSSD and without the MSSD (i.e., the steps in DOD's security screening process prior to the CAF Adjudication); it is further

ORDERED that defendants shall file their opposition and cross-motion for summary judgment (excluding the unreasonable delay claim) on or before **September 14, 2018**, not to exceed 60 pages; it is further

ORDERED that plaintiffs shall file their opposition and reply on or before **October 12, 2018**, not to exceed 45 pages; it is further

ORDERED that defendants shall file their reply on or before **November 4, 2018**, not to exceed 25 pages; it is further

ORDERED that the issue of the May 17, 2018 USCIS Guidance’s admissibility as an appendix to plaintiffs’ motion for summary judgment shall be referred to Magistrate Judge Meriweather as part of her ongoing case-management referral; it is further

ORDERED that plaintiffs may include Exs. 1–11 of their June 11, 2018 Response to the Court, ECF No. 154, in their appendices to their summary judgment filing (“appendices”); it is further

ORDERED that plaintiffs’ Ex. 12 of their June 11, 2018 Response to the Court, ECF No. 154, and named plaintiffs’ files will not be included in their motion for summary judgment; it is further

ORDERED that defendants’ will begin reporting their monthly data on a six-week basis—beginning with their July 6, 2018 report filed instead on **July 20, 2018**—but will provide plaintiffs with a preliminary report for corrections at four-week intervals (e.g., July 6, 2018 for defendants’ July 20, 2018 report). Defendants shall continue to report on the status of the named plaintiffs on a biweekly basis; it is further

ORDERED that defendants will begin including—starting with their July 20, 2018 report—a number of and list of class members who come within the DTP’s 3-year timeout mark within the next (1) 90 days, and (2) six months; it is further

ORDERED that defendants will provide the Court notice of any class members who could be discharged from DTP for timeout reasons within three weeks of the expected discharge; and it is further

ORDERED that, on or before **July 20, 2018**, defendants shall file a notice with the Court

explaining the form equivalent to a Form DD-214 that class members who are discharged would receive and what assurances that form provides that a class member's naturalization application will be adjudicated by USCIS.

/s/ Ellen Segal Huvelle
ELLEN SEGAL HUVELLE
United States District Judge

Date: June 20, 2018

CC: Magistrate Judge Robin Meriweather