

**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**

The Court recognizes that there is an ongoing lapse in government appropriations. However, the Court remains hopeful that the partial government shutdown will conclude in time to hold a hearing on the parties' cross-motions for partial summary judgment during the week of January 22, 2019 (preferably on the afternoon of **Thursday, January 24, 2019**).

In anticipation of such a hearing, and mindful that DOD remains fully funded, defendants are directed to prepare a report consistent with this Order. Contingent on the government reopening prior to the deadline set forth herein, defendants shall file this report in lieu of the next six-week report pursuant to the Court's previous orders, on or before **Friday, January 18, 2019 at 12:00 PM**. The report is to include a single Microsoft Excel spreadsheet (not sub-divided into multiple tabs) containing the following information regarding each current and former *Nio* class member:

- a. Enlistment Date;
- b. Naturalization Application Filing Date;

- c. “Special Processing” Investigation Screening Completion Date<sup>1</sup>;
- d. MSSD Completion Date (blank if pending);
- e. MSSD Result (suitable/unsuitable/pending);
- f. Naturalization Interview Scheduled? (yes/no);
- g. Naturalization Interview Completed? (yes/no);
- h. Naturalization Interview Date (blank if not scheduled);
- i. Naturalization Case Status (approved/denied/withdrawn/pending);
- j. Naturalization Date (blank if not naturalized);
- k. Effective Discharge Date<sup>2</sup> (blank if not discharged);
- l. Discharge Revoked? (yes/no);
- m. Offered Reinstatement Pursuant to Oct. 26, 2018 Memo<sup>3</sup>? (yes/no/will be);
- n. Discharge Due to Unsuitable MSSD? (yes/no/blank if not discharged).
- o. Separation Code<sup>4</sup> (blank if not separated);

The Excel sheet should follow the format indicated in the chart appended to this Order as Appendix A.

Defendants shall file this report on the public docket, with redactions as required by the Protective Order. (Protective Order, Oct. 5, 2018, ECF No. 199.) Consistent with the Protective

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<sup>1</sup> The record indicates that, prior to DOD CAF’s MSSD Recommendation, MAVNI applicants are first subject to a multi-step background investigation, including “CI Focused Security Screening,” “NBIB Investigation,” and “SVO NIAC” prior to being “ADJ [adjudication] Ready.” MAVNI FY 18 Policy Flow, Pls.’ App’x at 154; MAVNI FY 17 Policy Flow, *id.* at 155. This column in defendants’ chart should indicate the date at which all of these investigatory steps have been completed.

<sup>2</sup> For purposes of this report, this column should provide the effective date of any U.S. Army Reserve Command discharge order.

<sup>3</sup> *Calixto v. U.S. Dep’t of the Army*, Civ. No. 18-1551, ECF No. 50-1.

<sup>4</sup> Defendants are directed to provide a key that defines the separation codes used in the report.

Order, Defendants shall provide the Court and plaintiffs' counsel with an unredacted copy of the full report.

**SO ORDERED.**



*Ellen S. Huvelle*

ELLEN SEGAL HUVELLE  
United States District Judge

Date: January 8, 2019

