

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF LOUISIANA,
By and through its Attorney General,
Elizabeth B. Murrill, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, et al.,

Defendants.

No. 6:25-cv-76-DCJ-DJA

PLAINTIFFS' MOTION TO LIFT STAY

On January 17, 2025, Plaintiffs filed a complaint challenging the U.S. Census Bureau's practice of counting illegal and nonimmigrant aliens for apportionment purposes in the decennial census. *See* ECF 1. On March 3, 2025, Defendants moved to stay the litigation, noting that "[n]ew leadership at the Department of Commerce is in the process of onboarding and has not yet had time to determine its approach to the Residence Rule and this litigation following the issuance of Executive Order 14148." ECF 46 at 2. The stay was renewed on the basis of joint status reports submitted in May (ECF 51), June (ECF 53), and October (ECF 60).

On December 17, the Parties submitted a joint status report in which Plaintiffs opposed any continuation of the stay. ECF 63. Defendants supported continuing the stay, but introduced a new justification for doing so: "The decennial census requires multi-year preparations, and Defendants are actively engaged in activities leading up to the 2030 Census. At this stage of such preparations, lifting the stay is not appropriate." *Id.*

As noted in the most recent status report, Plaintiffs did not oppose a stay throughout 2025 because Defendants represented that they required additional time to determine their position with respect to the allegations in the complaint. And Plaintiffs agreed that continuing the stay would “conserve party and judicial resources and promote the efficient and orderly disposition of this case by ensuring that the litigation proceeds with the informed views of current Department of Commerce and Department of Justice leadership.” ECF 48.

Now, Defendants have had sufficient time—more than nine months—to resolve the issues that previously justified a stay. Because Defendants have had sufficient time to review the complaint and develop a litigation position, there is no reason to prevent this case from proceeding. Furthermore, accepting Defendants’ reasoning for the continuation of the stay would require this litigation to remain paused until after the completion of the 2030 Census, more than four years from now, which would prevent Plaintiffs from obtaining the relief sought in their complaint. Defendants’ reasoning is now without merit should therefore be rejected. Defendants have not shown, nor can they, that defending this lawsuit would substantially detract from their ability to conduct the Census. Their responsibility to conduct the Census does not justify continuing the stay. Plaintiffs have conferred with Defendants, who oppose this motion consistent with their position in the most recent status report.

Plaintiffs’ complaint deserves a ruling on the merits, and a stay is not an appropriate means to deny Plaintiffs’ requested relief. Accordingly, Plaintiffs respectfully move the Court to lift the stay.

Dated: February 5, 2026

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Respectfully submitted,

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