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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AKSHAR PATEL,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 1:25-cv-01096-ACR
)	
TODD M. LYONS, Acting)	
Director, U.S. Immigration)	
and Customs Enforcement,)	
)	
Defendant.)	
)	

TRANSCRIPT OF HEARING ON MOTION FOR PRELIMINARY INJUNCTION
OR SUMMARY JUDGMENT
BEFORE THE HONORABLE ANA C. REYES, DISTRICT JUDGE
Tuesday - April 29, 2025
10:05 a.m. - 11:00 a.m.
Washington, DC

FOR THE PLAINTIFF:
Banas Law, LLC
BY: BRADLEY BRUCE BANIAS
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Reddy Neumann Brown, P.C.
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FOR THE DEFENDANT:
U.S. Department of Justice, Civil Division
BY: JOHNNY HILLARY WALKER, III
601 D Street, NW
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SONJA L. REEVES
Registered Diplomate Reporter
Certified Realtime Reporter
Federal Official Court Reporter
333 Constitution Avenue, NW
Washington, DC 20001
Transcript Produced from the Stenographic Record

1 (Call to Order of the Court at 10:05 a.m.)

2 DEPUTY CLERK: This is Civil Action 25-1096, *Akshar*
3 *Patel versus Todd M. Lyons*.

4 Would the parties please come forward and identify
5 themselves for the record.

6 MR. BANIAS: Good morning, Your Honor. Brad Banias
7 and Steven Brown for the plaintiff.

8 MR. WALKER: Good morning, Your Honor. Johnny Walker
9 with the United States Attorney's Office for the defendant.
10 I'm joined at counsel table by Andre Watson, the assist
11 director with Homeland Security; Macklin Everly, who is an
12 associate legal advisor in the district court litigation
13 section at ICE; and Annemarie Brennan-Linnan, chief of the
14 district court litigation section at ICE.

15 THE COURT: What a great name you have.

16 First of all, can anyone tell me why today is also an
17 important day? It's been on my calendar for a long time.
18 Anyone? No one?

19 Today is the day that Rick Atkinson has released his
20 second book in the trilogy on the American Revolution. If you
21 haven't read his World War II trilogy, I highly recommend it.
22 If you're at all interested in the founding of America and the
23 constitutional system and the Revolutionary War, I highly
24 recommend the first book.

25 The second book starts off in France with the King and

1 Marie Antoinette hanging out with Ben Franklin, and the
2 precarious situation that the French were in because they hated
3 England, they just lost the seven-year war and were super upset
4 about that, so they wanted to support the U.S., but they didn't
5 really want to be seen as supporting a bunch of rebels seeking
6 republicanism against the monarchy.

7 So if you want to hear about how we got rid of the
8 monarchy in the United States, I commend to you his second
9 book.

10 With that, Mr. Walker, I have a number of questions
11 for you about the administrative record that you filed last
12 night.

13 MR. WALKER: Certainly.

14 THE COURT: And thank you for doing that.

15 First -- so the first thing I have is a Tuesday,
16 April 1st, 2025 email at 4:58 p.m. from an Andre Watson to a
17 Mr. Meyers. And Mr. Watson is the assistant director for the
18 U.S. Department of Homeland Security, ICE. And he says, "In
19 furtherance of our student criminal alien initiative, the
20 attached letterhead," et cetera.

21 What is the student criminal alien initiative?

22 MR. WALKER: I don't know precisely what the scope of
23 that is. I think what you see described in this record and
24 throughout the administrative record is sort of the process
25 that Mr. Watson described.

1 THE COURT: Well, there was no process, just to be
2 clear. There was an email saying "here are the people," and an
3 email saying "get rid of them all." So we'll go through that
4 process, but I want to know, what is the student criminal alien
5 initiative?

6 MR. WALKER: Like I said, I don't know the exact scope
7 of what that is.

8 THE COURT: Well, where is it? Where can I find it?

9 MR. WALKER: Where is the initiative?

10 THE COURT: Yeah, where can I find it?

11 MR. WALKER: I believe that that's just a term that is
12 being used here by Mr. Watson to refer to what was described in
13 the declaration where ICE ran a number of students through the
14 NCIC, passed the hits along to the Department of State, and
15 then the Department of State passed the information back to ICE
16 about requesting that certain of those records be terminated in
17 SEVIS, and the records were terminated in SEVIS based on the
18 criminal record.

19 THE COURT: Okay. You're from DHS?

20 MR. WATSON: Yes, ma'am.

21 THE COURT: Do you know what the student criminal
22 alien initiative is?

23 MR. WATSON: Yes, ma'am.

24 THE COURT: What is it?

25 MR. WATSON: This initiative --

1 THE COURT: First of all, come on up. Are you an
2 attorney?

3 MR. WATSON: No, ma'am.

4 THE COURT: Great. You survived not having to go to
5 law school, and, yet, here you are.

6 Give me your name again, sir.

7 MR. WATSON: It's Andre Watson.

8 THE COURT: Oh, we met last time.

9 MR. WATSON: Yes, ma'am.

10 THE COURT: Welcome to the DC area.

11 MR. WATSON: Thank you.

12 THE COURT: First of all, where can I find the student
13 criminal alien initiative?

14 MR. WATSON: This initiative is centered at DHS
15 headquarters.

16 THE COURT: Is it in writing anywhere?

17 MR. WATSON: No, ma'am.

18 THE COURT: It's just out there in the world?

19 MR. WATSON: It's a name that was given by my staff to
20 this specific effort to scrub records from SEVIS through NCIC
21 to determine if there were positive criminality hits within
22 NCIC.

23 THE COURT: When you say -- tell everyone what NCIC
24 is.

25 MR. WATSON: National Crime Information Center.

1 THE COURT: It's a database of people, right?

2 MR. WATSON: Yes, ma'am.

3 THE COURT: It includes people who have been arrested
4 but not tried, right?

5 MR. WATSON: Yes, ma'am.

6 THE COURT: It includes people who have been arrested
7 but not convicted, right?

8 MR. WATSON: Yes, ma'am.

9 THE COURT: It includes people, I suppose, who have a
10 ticket for reckless driving, even if those charges were not
11 brought, right?

12 MR. WATSON: Yes, ma'am.

13 THE COURT: It includes people who are missing,
14 missing people records, right?

15 MR. WATSON: Yes, ma'am.

16 THE COURT: So when we say the -- what did you call it
17 again? National -- what was it again? National what?

18 MR. WATSON: National Security Division.

19 THE COURT: No, no, NCIC.

20 MR. WATSON: National Crime Information Center.

21 THE COURT: So when we say the National Crime
22 Information Center, we don't mean that everyone in the database
23 has committed a crime, right?

24 MR. WATSON: Yes, ma'am.

25 THE COURT: I'm right about that?

1 MR. WATSON: Yes, ma'am.

2 THE COURT: For example, it would be inappropriate to
3 run NCIC for a bunch of names, have them pop up and terminate
4 them based on that reason alone, right?

5 MR. WATSON: I'm sorry?

6 THE COURT: It would be inappropriate to run through
7 the SEVIS database a number of names, have them pop up as being
8 in the database, and then terminate them on that reason alone,
9 right? Because it could be that they were never charged. It
10 could be that they were just there for speeding. It could be
11 that they were just missing persons, right?

12 MR. WATSON: That's fair, but it's done on a
13 case-by-case review, and that is what my staff endeavored to do
14 based on the positive hits that were identified. And as such,
15 we categorized those positive hits based on the charge and any
16 disposition. And from there, the appropriate responses were
17 categorized in spreadsheets that were then sent to the
18 Department of State.

19 THE COURT: How big of a staff did you have doing
20 this?

21 MR. WATSON: Rough order of magnitude, I would put it
22 between 10 to 20 federal employees.

23 THE COURT: What exactly did they do? How did they
24 start?

25 MR. WATSON: I'm sorry, ma'am?

1 THE COURT: What exactly did these 10 to 20 people do?

2 MR. WATSON: These 10 to 20 people serve in various
3 roles as analysts --

4 THE COURT: I don't care what they do. I mean,
5 apparently what they did was not important enough to pull 10 to
6 20 federal employees to search a bunch of records for students
7 who were in the U.S. legally.

8 Let's put aside what they do during their day jobs and
9 just focus for me right now on what they did with respect to
10 this effort. You got them together and you told them to do
11 what?

12 Were you in charge of this effort, sir? You said it
13 was your staff.

14 MR. WATSON: My staff supported the effort, so --

15 THE COURT: Who is in charge of the effort? Who is
16 like the head honcho on this effort?

17 MR. WATSON: For my program office, that is acting
18 executive associate director Robert Hammer.

19 THE COURT: Hammer?

20 MR. WATSON: Yes, ma'am.

21 THE COURT: Appropriate last name given what has
22 happened, but go ahead.

23 MR. WATSON: So at the instruction of leadership, we,
24 being ICE, took action --

25 THE COURT: Leadership at DHS?

1 MR. WATSON: Yes, ma'am.

2 THE COURT: You, ICE, took action.

3 MR. WATSON: To take the population of nonimmigrant
4 students studying in the United States and run them through
5 NCIC.

6 THE COURT: So name by name, everyone had to be run
7 through this database?

8 MR. WATSON: Yes, ma'am.

9 THE COURT: How many people did you run through this
10 database?

11 MR. WATSON: Just under 1.3 million.

12 THE COURT: Are you telling me that with all of the
13 cost-cutting that we have going on right now, because
14 apparently we're spending too much money on the federal
15 government doing things like, oh, I don't know, funding cancer
16 research, can't afford to do that, that we had -- not "we,"
17 someone had 10 to 20 federal employees spend their time going
18 name by name in a database to see what hits they got for
19 1.3 million people? Is that what happened? Yes or no.

20 MR. WATSON: Yes, with contract support.

21 THE COURT: Hold on. And once you ran -- how long did
22 that take?

23 MR. WATSON: I would estimate between two to three
24 weeks.

25 THE COURT: Okay. Now, humor me. What were these

1 other people who were taken away from their jobs for two to
2 three weeks putting names into a database to see what hits they
3 would get, what other things would they normally be doing?

4 MR. WATSON: This is part of our lines of effort. So
5 within my division annually, we are responsible for taking data
6 from various sources to determine if in fact we have overstays
7 or people that are out of status.

8 THE COURT: When was the last time that the government
9 made an effort to take a number of employees to put all
10 students who are here on visas through the NCIC database?

11 How long have you been in your office?

12 MR. WATSON: I've been in this role for over four
13 years.

14 THE COURT: In your four years in the role, how often
15 has that happened, for the students -- to put all the students
16 in the U.S. here on visas through the database, NCIC database?

17 MR. WATSON: We do in addition to students.

18 THE COURT: No, no, I'm just asking about students.
19 When was the last time that there was an initiative somewhere
20 along the line of the student criminal alien initiative?

21 MR. WATSON: For specific students, I'm not aware of
22 an effort at this magnitude.

23 THE COURT: Now, of the 1.3 million people that 10 to
24 20 federal employees spent to two to three weeks -- I just want
25 to make sure I understand this.

1 If I'm one of the federal employees, I would have a
2 list of all the students here on F-1 visas, right?

3 MR. WATSON: Uh-huh.

4 THE COURT: And I would be given, I don't know, 1,000
5 of the names to handle. And the first name would be Jane
6 Smith. So I would go to the NCIC database and put in the name
7 Jane Smith, correct?

8 MR. WATSON: In that instance, these were batch runs,
9 so based on the capabilities that already exist within --

10 THE COURT: How many batch runs were run?

11 MR. WATSON: I don't have the exact number.

12 THE COURT: But enough for us to be spending time
13 going through 1.3 million people, right?

14 MR. WATSON: Yes, ma'am.

15 THE COURT: And out of those 1.3 million people that
16 10 to 20 federal employees spent to two to three weeks tracking
17 down in NCIC, how many of those came up as a hit in the NCIC
18 system?

19 MR. WATSON: Over 16,000, and then from there, the
20 number went down to 13,900.

21 THE COURT: And then what went down from there? Hold
22 on one second. 16,000 out of 1.3 million people?

23 MR. WATSON: Yes, ma'am.

24 THE COURT: You want to tell me what percent that is?

25 MR. WATSON: I don't know off the top of my head.

1 THE COURT: All right. It's less than 1 percent.
2 It's less than 100th of a percent.

3 Now, of those 16,000 people --

4 Sam, can you get me the right number since you're our
5 math person?

6 Of those 16,000 people, what happened next?

7 MR. WATSON: Continued analysis to, one, validate the
8 match between what the NCIC record was against what the SEVIS
9 record was.

10 THE COURT: Because you might have a John Smith, then
11 it would be a different John Smith?

12 MR. WATSON: Yes, ma'am.

13 THE COURT: So when we did that, how many people came
14 out of the 16,000?

15 MR. WATSON: Just over 6,400.

16 THE COURT: So then we're down to 10,000.

17 MR. WATSON: Below 10,000.

18 THE COURT: What happened next with those 10,000?

19 MR. WATSON: Those were consolidated on spreadsheets
20 based on close of business activities, and then referred to the
21 Department of State.

22 THE COURT: What does "close of business activities"
23 mean?

24 MR. WATSON: How many you can do in one day.

25 THE COURT: Oh, so batches would go to them?

1 MR. WATSON: Correct.

2 THE COURT: And then you sent that off to State?

3 MR. WATSON: Yes, ma'am.

4 THE COURT: And then what happened?

5 MR. WATSON: State conducted their own analysis.

6 THE COURT: Do you know what State did?

7 MR. WATSON: No, ma'am.

8 THE COURT: Okay. Go ahead. Do you know who you were
9 interacting with at State?

10 MR. WATSON: Primarily, John Armstrong.

11 THE COURT: What's his role?

12 MR. WATSON: But in his absence, there were delegates.

13 THE COURT: Who is Mr. Armstrong? What's his role at
14 the State Department?

15 MR. WATSON: He's the senior official for the Bureau
16 of Consular Affairs.

17 THE COURT: Consular affairs, that's diplomats?

18 MR. WATSON: I don't know.

19 THE COURT: You don't know. Okay.

20 So then how many hits do you get back -- you don't
21 know how many people at the State Department were running these
22 10,000 names, right?

23 MR. WATSON: Not exactly, no, but I know we referred
24 over 6,400 to them.

25 THE COURT: 6,400 is the number you referred to them?

1 MR. WATSON: That's correct.

2 THE COURT: Got it. I made a mistake. You referred
3 to State 6,400 names out of the 1.3 million?

4 MR. WATSON: Yes, ma'am.

5 THE COURT: Sam, can you tell me what percentage that
6 is when you get it?

7 MS. BLOND: 0.5 percent.

8 THE COURT: So less than half of a percent?

9 MR. WATSON: Yes, ma'am.

10 THE COURT: How many names did State send back to you?

11 MR. WATSON: All of the names came back, but there
12 were some who had revocations based on a valid visa.

13 THE COURT: Tell me what that means. What's a
14 revocation based on a valid visa?

15 MR. WATSON: That they are in status for the purposes
16 of the visa, but State conducted revocation.

17 THE COURT: You mean State took the visa away?

18 MR. WATSON: I think so.

19 THE COURT: Okay. And State didn't tell you why they
20 did it?

21 MR. WATSON: I did not see the State response to say
22 why.

23 THE COURT: It's just they gave you a bunch of names
24 back -- one set of names they gave you back is these are visas
25 we revoked, right?

1 How long did that turnaround take, by the way? You
2 gave them 6,000 names. When did they give you back the names?

3 MR. WATSON: The names came back as they completed
4 their activities on specific spreadsheets.

5 THE COURT: What was the time lag for the first
6 rolling production?

7 MR. WATSON: There was, I would estimate, within a
8 weekly cadence of responses that occurred for at least three
9 weeks.

10 THE COURT: So we basically have another three weeks
11 of work at the State Department?

12 MR. WATSON: I believe that's accurate.

13 THE COURT: So they send you back a list of names of
14 people that you had sent them, and here people who were in
15 status, their visas were fine, but now State has revoked them,
16 right?

17 MR. WATSON: There were some, yes.

18 THE COURT: How many of those were there?

19 MR. WATSON: By rough order of magnitude, over 3,000.

20 THE COURT: 3,000 people?

21 MR. WATSON: Yes, ma'am.

22 THE COURT: Who were in status, they were going about
23 their days, you send a list to State, and State sends you a
24 list of 3,000 people and we're going to revoke their visa,
25 right?

1 MR. WATSON: Yes, ma'am.

2 THE COURT: They told you to terminate those people in
3 SEVIS, right?

4 MR. WATSON: Yes, ma'am.

5 THE COURT: Who else did they send back?

6 MR. WATSON: Those with expired visas.

7 THE COURT: And then there were people with expired
8 visas?

9 MR. WATSON: Visas that are not valid, yes, ma'am.

10 THE COURT: And so those people they didn't need to
11 revoke because they were already expired and they told you to
12 terminate in SEVIS, right?

13 MR. WATSON: Yes, ma'am.

14 THE COURT: Do you have any understanding whether
15 State reached out to any of those individuals before sending
16 the list back to you to say, "Hey, we're about to terminate
17 your visa," or, "Hey, why aren't you in status, why is this
18 expired," or, "Hey, just as a heads-up, you're about to be
19 getting, you know, a notice that you have been terminated from
20 SEVIS and we want you to have the opportunity to tell us why
21 you shouldn't have your visa revoked"? Do you know if that
22 happened?

23 MR. WATSON: I would defer to State on that.

24 THE COURT: Can you and I both agree that since you
25 were getting these back within a week and within three weeks

1 total that there was no notice sent out?

2 MR. WATSON: I think that's a case-by-case assessment.

3 THE COURT: Mr. Walker, are you aware as to whether or
4 not State sent a notice to anyone?

5 MR. WALKER: I'm not aware, Your Honor. I want to
6 clarify one point on the discussion that was just had. I just
7 wanted to clarify that when we're talking about the State
8 Department revoking visas, we're talking about the State
9 Department revoking a travel visa to travel into the United
10 States, not status.

11 THE COURT: Okay. So they were still in status?

12 MR. WALKER: Yes, ma'am.

13 THE COURT: Even though they were still in status and
14 validly here on status, the State Department sent them back to
15 you and told you to terminate them in SEVIS?

16 MR. WALKER: Yes.

17 THE COURT: All right. Plaintiff's counsel, did
18 Mr. Patel receive any notice from State that his visa was being
19 revoked or he was about to be terminated?

20 MR. BANIAS: No, Your Honor. His visa was expired at
21 the time this all happened.

22 THE COURT: He was in status?

23 MR. BANIAS: Yes, Your Honor.

24 THE COURT: It's okay if your visa is expired because
25 a visa just gets you into the country. The question is whether

1 or not you're in status?

2 MR. BANIAS: Correct, Your Honor. He had legally and
3 properly changed his status after entering the country.

4 THE COURT: Got it. You represent a number of these
5 plaintiffs, right?

6 MR. BANIAS: Yes, Your Honor.

7 THE COURT: How many do you represent about,
8 approximately?

9 MR. BANIAS: Probably about 125.

10 THE COURT: Of those, are you aware of State sending
11 or DHS or anyone sending them any kind of notice that these
12 actions were about to occur?

13 MR. BANIAS: Not a single one.

14 THE COURT: So then State sends you back the list, and
15 then what happens?

16 MR. WATSON: We provided instructions to -- "we" being
17 National Security Division, working group counterthreat lead
18 development, provided instructions to the Student Exchange
19 Visitor Program.

20 THE COURT: Say that again. I wasn't listening. I
21 apologize.

22 MR. WATSON: The National Security Division
23 counterthreat lead development unit passed the list from the
24 Department of State to the Student and Exchange Visitor Program
25 to action termination in SEVIS.

1 THE COURT: So what happened was State gives it back
2 to DHS and DHS says -- and State says terminate these people,
3 and then you do?

4 MR. WATSON: Yes, ma'am.

5 THE COURT: I want to go through some timeline here
6 for you so you can sort of help me out with this.

7 MR. WATSON: Yes, ma'am.

8 THE COURT: Does he have a copy of the administrative
9 record?

10 MR. WALKER: It's right here in front of him.

11 THE COURT: Sir, the first email I see in the
12 administrative record is from Tuesday, April 1, 2025 at
13 4:58 p.m. Do you see that?

14 MR. WATSON: Yes, ma'am.

15 THE COURT: And you sent it to Shane Meyers?

16 MR. WATSON: Yes, ma'am.

17 THE COURT: Who is Shane?

18 MR. WATSON: He is the acting principal deputy
19 assistant secretary.

20 THE COURT: For?

21 MR. WATSON: The Department of State.

22 THE COURT: So you send this list to State of 735
23 names. This is part of the 6,000 names. This would have been
24 one batch?

25 MR. WATSON: Yes, ma'am.

1 THE COURT: And you send this to him April 1, 2025 at
2 4:58 p.m.?

3 MR. WATSON: Yes, ma'am.

4 THE COURT: Okay. And then if you look down, there is
5 an email on April 2nd, 2025 at 3:35 p.m. from someone at State
6 to someone at DHS. Do you see that?

7 MR. WATSON: No, ma'am.

8 THE COURT: If you go to page -- at the bottom you
9 will see AR023.

10 MR. WATSON: Yes, ma'am.

11 THE COURT: So you see that on April 2nd, 2025, 3:35
12 p.m., someone from State sends an email to someone from DHS.

13 Do you see that?

14 MR. WATSON: Yes, ma'am.

15 THE COURT: Okay. So this would be less than 24 hours
16 after you sent your email to Mr. Meyers, right?

17 MR. WATSON: Appears to be the case, yes, ma'am.

18 THE COURT: And in your email, you said, "Here is 735
19 foreign students submitted for your review and any action
20 deemed appropriate," right?

21 MR. WATSON: Yes, ma'am.

22 THE COURT: And the reason I have this email from you,
23 this particular email, is because Mr. Patel, the plaintiff in
24 this case, came up in this spreadsheet, right?

25 MR. WALKER: We have unredacted that portion.

1 THE COURT: And then he responds within less than
2 24 hours, "We have run the delta data against our systems. The
3 first tab lists individuals with valid visas. How would you
4 like us to prioritize revocation of these visas?"

5 Do you see that?

6 MR. WATSON: I do.

7 THE COURT: The second tab is, "Students without a
8 valid visa, we request that DHS terminate SEVIS status for
9 these individuals, as there is no valid visa for us to revoke
10 and they are admitted under duration of status."

11 Do you see that?

12 MR. WATSON: I do.

13 THE COURT: So then someone at Homeland Security
14 Investigations -- is that DHS or is that State, National
15 Security Division?

16 MR. WATSON: That's DHS.

17 THE COURT: So someone sends back -- that's not you
18 though, right?

19 MR. WATSON: That's correct.

20 THE COURT: So someone at State, the division chief --
21 who is the division chief?

22 Mr. Walker, why is this redacted?

23 MR. WALKER: We have redacted the level of certain
24 employees. Some are not redacted, but it's just a privacy
25 interest.

1 THE COURT: Well, you know I could go online and find
2 out who the division chief is, right? You can assume I have
3 asked my clerk to do that. So you want to just tell me the
4 name?

5 MR. WALKER: I don't know that, Your Honor. It may or
6 may not be online.

7 THE COURT: Who was it?

8 Oh, Mr. Hammer. Robert Hammer would be the person who
9 communicated back to you.

10 MR. WATSON: This Exhibit 17?

11 THE COURT: Yeah.

12 MR. WATSON: Well, the division chief is not me.

13 THE COURT: No, no, no. I'm sorry. Someone responded
14 to --

15 MR. WATSON: Yes, that is a subordinate employee
16 within the National Security Division.

17 THE COURT: Okay. And that person sent back the
18 response on April 2nd, 2025 at 3:50 p.m. Do you see that?

19 MR. WATSON: I do.

20 THE COURT: So a question goes out. We have 700 names
21 here, because the list from April 2nd, 2025 is also the list --
22 the same list from the day before because it also contains
23 Mr. Patel, right?

24 MR. WATSON: I believe so.

25 THE COURT: Thank you. So with less than 24 hours,

1 someone has run this list through something, and says, "We have
2 people with a valid visa. How would you like us to prioritize
3 revoking these visas?"

4 And then we have another person -- we have groups
5 without valid visas because they are expired. And State says,
6 "Terminate both of these," right? "Terminate the people
7 without the valid visa from SEVIS," right?

8 MR. WATSON: Yes, ma'am.

9 THE COURT: State does not ask that the people in the
10 first tab be terminated from SEVIS, right?

11 MR. WATSON: I don't see that in the instruction. I
12 don't see that in the email.

13 THE COURT: All right. And then somebody, Mr. Hammer,
14 within 15 minutes of careful thought and consideration, says,
15 "Please terminate everyone in SEVIS," right?

16 MR. WATSON: Ma'am, that's not Mr. Hammer. He doesn't
17 serve as the division chief.

18 THE COURT: Well, whoever. Someone at National
19 Security Division, Homeland Security Investigations division
20 chief -- and, Mr. Walker, I want a name of that by the time we
21 leave today, so if someone can get on that -- sends, after
22 careful consideration for 15 minutes, "Terminate everybody,"
23 right?

24 MR. WATSON: Yes, ma'am.

25 THE COURT: Can you and I agree that nowhere in this

1 entire process has anyone done an individualized determination
2 of any of these individuals before their names were terminated
3 in SEVIS?

4 MR. WATSON: When you say "individualized
5 determination," that is --

6 THE COURT: I mean no one looked at Mr. Patel's case
7 and said, "Yeah, here is somebody who should no longer be in
8 the United States," right?

9 MR. WATSON: Ma'am, my team --

10 THE COURT: To your knowledge, no one did an
11 individualized assessment as to whether or not Mr. Patel should
12 be or should not be in the United States, right?

13 MR. WATSON: Individualized assessment of every
14 person?

15 THE COURT: Yes.

16 MR. WATSON: Each record was scrutinized based on the
17 criminal history.

18 THE COURT: Yeah, but Mr. Patel got a citation for
19 reckless driving, which is a misdemeanor in Texas. By the way,
20 it's also a misdemeanor in Virginia. If you go over 70 miles
21 an hour, you actually have a criminal defense case against you.
22 Don't ask how I know that.

23 And he was pulled over for, quote-unquote, "reckless
24 driving," which just meant he was speeding, and no charges were
25 ever brought. In fact, when I looked at his record that you

1 sent me in the administrative record, it said very clearly,
2 "case dismissed," right?

3 MR. WATSON: Following a complaint being filed and him
4 meeting the terms of the agreement, yes.

5 THE COURT: Well, can you and I both agree that if we
6 deported every single individual in this country who has been
7 tagged for speeding, there would be very few people left and
8 almost all of them would not have driver's licenses?

9 MR. WATSON: I don't know that we have the capacity at
10 this present time to do that, Your Honor.

11 THE COURT: But you and I both know that Mr. Patel is
12 not a criminal, right? And anyone looking at the record would
13 know that he's not a criminal, right?

14 In fact, Mr. Patel tells me, and I assume you have no
15 reason to not believe him, that he had disclosed the speeding
16 ticket at least two times to government agencies when seeking
17 to keep in status. He was quite forthright about it, and,
18 obviously, the government people said, "Fine. People speed.
19 Let's all move on." They weren't tagged.

20 By the way, did you know that? Was there an
21 individualized assessment with Mr. Patel where you knew or
22 State knew that the government, the United States government
23 had already assessed this speeding ticket and had found it not
24 to be a reason to take him out of status?

25 MR. WALKER: Just to clarify, Your Honor, Mr. Patel

1 was not taken out of status. His SEVIS record was terminated.

2 THE COURT: But upon termination, the law they cite me
3 says he has to leave the country.

4 MR. WALKER: Your Honor, one of the questions you
5 wanted us to answer today was, was Mr. Patel lawfully present
6 in the United States? Is he now and was he at the time that
7 his SEVIS record was terminated? The answer to that is yes.

8 THE COURT: Did the termination require him upon
9 termination to leave the country immediately?

10 MR. WALKER: It did not. He was lawfully present in
11 the United States.

12 THE COURT: No, no, no. You're not answering my
13 question. I want to know what the effect is of a termination
14 of SEVIS. They are telling me based on the law that the actual
15 law is he has to either leave the country immediately or get it
16 changed somehow, which I assume is legally, through the court
17 system.

18 MR. WALKER: No. Upon the termination of a record in
19 SEVIS, he remains lawfully present in the United States.

20 THE COURT: So what are his obligations?

21 MR. WALKER: It depends on how the school reacts to
22 the termination of the record in SEVIS. The school may
23 require --

24 THE COURT: We're going to get into the merits of this
25 later, because I know that they disagree with everything that

1 you're saying right now. Let's keep on the non-process process
2 here for a bit.

3 Mr. Patel and 6,000 other people with 15 minutes of
4 consideration by people after they hear from State and less
5 than 24 hours of consideration by State, thousands of people
6 get terminated from SEVIS, right?

7 MR. WATSON: Yes, ma'am.

8 THE COURT: Students?

9 MR. WATSON: Yes, ma'am.

10 THE COURT: Students who are in the country studying,
11 right?

12 MR. WATSON: Yes, ma'am.

13 THE COURT: A number of them, if not thousands of
14 them, who were legally in status and had no issue with their
15 being in the country, right?

16 MR. WATSON: To the best of my knowledge.

17 THE COURT: To the best of your knowledge, right?

18 MR. WATSON: Yes.

19 THE COURT: Okay. Let's do a quiz today. Anyone know
20 where the due process clause from the Fifth Amendment comes
21 from? Anybody? Nobody knows where the due process clause or
22 the Fifth Amendment comes from? Not my clerks? We're going to
23 have discussions afterwards.

24 It comes from Article -- Chapter, Article, whatever
25 you want to the call it, 39 of the Magna Carta. That's where

1 it first appeared. It appeared as the law of the land. It was
2 amended in the 1300s to be due process, but the due process
3 comes from the Magna Carta.

4 Anyone want to remind me what century the Magna Carta
5 was in? It was in the 1200s. So when I say, or when the
6 courts say due process is important, we're not unhinged, we're
7 not radicals; we are literally trying to enforce a process
8 embodied in probably the most significant document with respect
9 to peoples' rights against tyrannical government oppression.
10 That's what we're doing here. Okay?

11 I'm not on a lark questioning why students who have
12 been here legally, who paid to be in this country by paying
13 their universities, who have studied to try to become better
14 people if they stay in the U.S. or when they go back to their
15 homes or countries, people who are trying or months away from
16 getting engineering degrees, and they are cut off with less
17 than 24 hours of consideration and no notice whatsoever.

18 So, Mr. Walker, we're going to have a long discussion
19 about that.

20 Mr. Watson, is there anything else -- and I may have
21 questions for you later on. Is there anything else about the
22 process that I should know about?

23 MR. WATSON: Your Honor, I would just note that with
24 the terminations, that is a red flag, and it is a red flag to
25 determine if the student is still in compliance with their F

1 and/or M visa.

2 THE COURT: But you didn't have to terminate people in
3 SEVIS to do that, right? You could have sent a letter to all
4 the universities that had these students and said, "These
5 people have come up on a hit, you may want to check them out,"
6 because termination is -- well, all right. I understand your
7 view. Thank you.

8 Mr. Watson, I will say I know that this isn't pleasant
9 for you, because you're on the end of a bunch of questions, but
10 I have to say I have found you both last hearing and this
11 hearing to be very on top of what's going on and very
12 forthright and very helpful. So thank you.

13 MR. WATSON: Thank you, Your Honor.

14 THE COURT: You can be seated. I can't promise you
15 won't be up here again.

16 MR. WALKER: Your Honor, the name you asked for is
17 Antoine Rines (ph).

18 THE COURT: Thank you.

19 Can I get the plaintiffs up here. Actually, let me do
20 this. Let me go through these questions I had for you.

21 Since I'm from Kentucky, you'd probably be doing a lot
22 better with me if your name was "Maker's Mark."

23 MR. WALKER: I'm also from Kentucky.

24 THE COURT: Where are you from?

25 MR. WALKER: I was born in Louisville and went to

1 school in Mount Washington, just outside of Louisville.

2 THE COURT: I lived in Louisville. What made you
3 leave KY?

4 MR. WALKER: My dad got transferred down to Georgia,
5 so we moved to Georgia, but always went back to Louisville to
6 visit Mamma and Pappa.

7 THE COURT: Awesome. Was your dad in the military?

8 MR. WALKER: No, he works in packaging.

9 THE COURT: Okay. Well, always happy to see a
10 Kentuckian. I don't understand how they called you Johnny
11 Walker if you were born in Kentucky, but --

12 MR. WALKER: There is a lot of brown liquors involved.

13 THE COURT: So first question. In your view, is the
14 plaintiff lawfully in the United States, assuming that I had
15 not entered my TRO?

16 MR. WALKER: Yes, Your Honor. The answer to that
17 question is yes. Based on the information currently available
18 to ICE, Mr. Patel is lawfully present in the United States and
19 was at the time that his SEVIS record was terminated.

20 THE COURT: Is plaintiff currently subject to
21 immediate detention or removal from the United States?

22 MR. WALKER: No. Again, I have to provide the caveat
23 that based on the information currently available to ICE, we
24 don't -- it's a law enforcement agency and they are obviously
25 sensitive about hampering their ability to enforce the law.

1 THE COURT: But based on everything we know in the
2 record to date.

3 MR. WALKER: Based on everything ICE knows right now,
4 he is not subject to immediate detention or removal.

5 THE COURT: Okay. It seems like we have gone through
6 four. Seems like we have gone through five.

7 Number six, has the government identified any error in
8 any of its recent SEVIS termination actions?

9 MR. WALKER: Yes, and I think this gets to the quality
10 control effort that some of the other questions deal with and
11 that Your Honor addressed at the prior hearing. The quality
12 control effort that Mr. Watson was talking about was to make
13 sure that the identity of the individual associated with the
14 SEVIS record matched the individual associated with the NCIC
15 hit.

16 THE COURT: If we have a John Smith, we need to make
17 sure that it's the right John Smith.

18 MR. WALKER: Precisely. So the government has
19 completed that process. It identified 23 false matches between
20 the SEVIS record and the NCIC record, and it has remedied those
21 false hits.

22 THE COURT: What is the government's purpose in
23 changing a student's SEVIS record from active to terminated?

24 MR. WALKER: I think Mr. Watson addressed this a
25 little bit. It is intended as an investigative red flag for

1 either the university or the school or some other government
2 agency to follow up on.

3 THE COURT: Well, where can I go -- if I'm a student
4 counselor and I get a termination that says Mr. Patel's SEVIS
5 record has been terminated, where would I go to find out what
6 it means -- what that means?

7 Like where would I go to know that he was still in the
8 country lawfully and that he was still in status?

9 MR. WALKER: I think there are designated school
10 officials, so the school official has a contact at ICE field
11 offices that they can go to to follow up on those questions.

12 THE COURT: But there is no document? I mean, there
13 must be a document somewhere in the world that says "here is
14 the effect of being terminated in SEVIS."

15 MR. WALKER: There is the study in State's website
16 that the plaintiff have cited a little bit that has some
17 information about SEVIS and the effect of a termination.

18 THE COURT: Where is that in my papers so I can look
19 at it and talk to you about it?

20 MR. WALKER: It's in their brief and there is some
21 perma CC links to it. I know that they have sort of snipped
22 some images from it, so if you scan their brief for that, I
23 think you would find it.

24 What we have noted is what that study in State's cite
25 says is that a termination of a SEVIS record could indicate a

1 change in status. It does not necessarily indicate a change in
2 status. The website also notes that a termination in SEVIS is
3 not necessarily negative. A termination in SEVIS can be done
4 for administrative reasons that are not necessarily negative.

5 THE COURT: Where am I looking?

6 MR. WALKER: We sort of pulled these quotes in our
7 brief. The website is mostly visible through clicking on it.

8 Plaintiffs have captured some images of it on page 11
9 of their brief. So there is this thing that provides some
10 reasons for termination and duration of status. What we
11 pointed out here is that this particular termination reason is
12 associated with a termination for a violation of status, but,
13 again, a termination of a SEVIS record is not necessarily
14 indicative of a lack of status.

15 THE COURT: I didn't see, and maybe I'm wrong, but I
16 didn't see in SEVIS where it says -- my understanding is that
17 SEVIS just says "active" or "terminated." It doesn't say why
18 it was terminated; is that right?

19 MR. WALKER: No. There is a list of drop-down items
20 that you can select as to why it was terminated.

21 THE COURT: What was the drop-down item for Mr. Patel?

22 MR. BANIAS: Your Honor, it said "failure to maintain
23 status, criminal hit and/or visa revocation."

24 THE COURT: Sounds pretty bad to me.

25 MR. WALKER: I acknowledge that that particular choice

1 that was made to describe this hit was not necessarily the
2 right one to describe it.

3 THE COURT: Maybe that happened because this was a
4 rushed process and maybe -- and this is absolutely no criticism
5 to Mr. Watson or his group at all -- maybe a little bit more
6 care should have been taken.

7 MR. WALKER: I can sort of provide -- and we don't
8 know who actually undertook this process. It could have been a
9 contractor. It could have been a lower-level employee. The
10 best guess I can give, Your Honor, and this is based on no
11 information whatsoever that I have actually obtained firsthand,
12 the best guess that I have is that that's sort of a catchall
13 option, and based on the SEVIS website, that is the only option
14 that sort of has a fillable field associated with it where ICE
15 could put in the information about the NCIC hit.

16 THE COURT: But a violation, it says, has no grace
17 period.

18 MR. WALKER: Again, that is for a termination that is
19 for a failure to maintain status. Mr. Patel was --

20 THE COURT: It says "termination for any violation of
21 status," and you just told me that his termination said
22 "failure to maintain status."

23 MR. WALKER: Yes. That was not the most descriptive
24 option to select.

25 THE COURT: Mr. Walker, I have to say I'm pretty

1 impressed with you right now. I think have you been
2 forthright. You have gotten me the administrative record.
3 You're answering my questions. Thank you. So this is not
4 directed at you. All right.

5 But what happens when we do things willy-nilly with
6 very little time, and certainly with zero due process, is that
7 mistakes happen, a wrong catchall is used, and the next thing
8 somebody is being told or would know if they went to the
9 website that they have no grace period and that they must
10 either apply for reinstatement immediately or leave the U.S.
11 immediately.

12 And then what happens -- now, if someone had sent, for
13 example, Mr. Patel a letter that says, "We're going to
14 terminate you for violation of status," Mr. Patel or his
15 lawyers would have said, "No, no, no, I'm in status," and then
16 this wouldn't have happened.

17 And the reason that I'm particularly concerned about
18 this, Mr. Walker, aside from the utter lack of concern for
19 human individuals who we have invited into our country and who
20 have communities richer by being students who have contributed
21 to our colleges and who have paid our colleges, the reason I'm
22 concerned and particularly troubled is because those
23 plaintiffs' lawyers, like all lawyers, have to get paid.

24 And so now we have got thousands of people who are
25 having to pay plaintiffs' attorneys to have litigation, to file

1 briefs, to appear in court, to prepare for court, to get the
2 information, and that's not cheap, right. And all of this
3 could have been avoided if individuals had taken a beat, and
4 instead of just rushing things -- and, again, I'm not
5 criticizing Mr. Watson at all for this -- but that's not
6 happening. And so instead we end up with -- how many cases are
7 there now nationwide?

8 MR. BANIAS: I think it's about 60.

9 THE COURT: 60 cases, but about with hundreds of
10 plaintiffs, right?

11 MR. BANIAS: There are a handful of group cases, yes,
12 Your Honor.

13 THE COURT: You have 100 yourself, right?

14 MR. BANIAS: I have two group cases with 100 people
15 total, yes, ma'am.

16 THE COURT: We're taking up court time. We're taking
17 up government time. I imagine you have better things to do. I
18 imagine Mr. Watson has better things to do.

19 All right. Is there anything that you can say right
20 now, Mr. Walker, or anything that the government can do, so
21 that instead of having a gazillion or 60 judges have to rule on
22 60 motions, that we can sort of short-circuit this and maybe
23 start afresh?

24 MR. WALKER: I'm happy to get to that, Your Honor.
25 With respect to Mr. Patel, so we filed with our brief last

1 night a new policy that ICE has issued with respect to
2 terminations of records in SEVIS. It is at ECF 16-1. It's
3 Exhibit A to our opposition to the motion for preliminary
4 injunction.

5 THE COURT: One second. This is to all SEVP
6 personnel. Who is SEVP?

7 MR. WALKER: It's the Student and Exchange Visitor
8 Program.

9 THE COURT: This is dated April 26, 2025. So explain
10 this to me.

11 MR. WALKER: This was issued over the weekend, and
12 this provides specific guidance to SEVP personnel about when to
13 terminate a record in SEVIS. This document does retain ICE's
14 broad discretion, which it does always have and continues to
15 have to terminate records at its discretion, but the specific
16 guidance provided here, you will note these bullet points here,
17 those do not apply to Mr. Patel.

18 There is the failure to comply with the terms of
19 nonimmigrant status, which does not apply to Mr. Patel. The
20 one I want to highlight is the visa revocation issue.

21 If you look at the middle paragraph here, the second
22 of the three. "If State revokes a nonimmigrant visa effective
23 immediately, SEVP may terminate the nonimmigrant's SEVIS record
24 based on the visa revocation with immediate effect. As such, a
25 revocation can serve as a basis for removability under Section

1 237(a)(1)(B) of the INA. SEVP should not, however, terminate a
2 nonimmigrant's SEVIS record on this basis until it has
3 confirmed that State has revoked the visa."

4 And you will recall, Your Honor, when you were looking
5 at the administrative record with Mr. Watson, Mr. Patel fell
6 into a class of individuals who had not had a visa revoked. He
7 had -- I think this was sort of described at the prior hearing.
8 Mr. Patel started his studies when he was under an H-4 visa, as
9 the family member of an H-1 B worker.

10 He then traveled out of the United States and returned
11 to the United States on a tourist visa, an H-2 visa. Those
12 last for 45 days. While in the United States on a tourist
13 visa, he converted to an F status. So he got the status to
14 remain as a student in the United States under F-1.

15 So his tourist visa expired by its terms, and at the
16 time that this review was conducted, he had no visa to revoke.
17 Because he had no visa to revoke, this visa revocation basis
18 for terminating a SEVIS record would not apply to him.

19 THE COURT: I don't see anything in here about a hit
20 on the NCIC system. That's not a hit, right? That's not a
21 basis?

22 MR. WALKER: That's not in here. I don't want to say
23 -- I can't tell you that it would be outside of ICE's
24 discretion to terminate a record based on an NCIC hit. But
25 here what you had was a colloquy with the State Department

1 where they returned some information based on their visa
2 records. They noted that Mr. Patel had no visa to revoke, but
3 the current policy, as of this weekend, is that the visa basis
4 for a termination of a SEVIS record has to be a revoked visa.

5 THE COURT: So absent a TRO, preliminary injunction,
6 Mr. Patel, because he's here in status and has not -- does not
7 have a visa because he's here in status legally, he would
8 remain active absent something happening, you know, we found
9 out that while he was here he did something actually illegal?

10 MR. WALKER: I have discussed this with Mr. Watson.
11 Based on the information currently available to ICE at this
12 time, absent a TRO or injunction, Mr. Patel would remain active
13 in SEVIS.

14 THE COURT: Okay. So I guess I still don't
15 understand. Let's say that we had Mr. Smith, his visa -- can
16 someone have a valid visa and be in country status -- in the
17 country in status, and so if you revoked their visa, they would
18 still be in status?

19 MR. WALKER: Yes. I think, as this notes, a visa
20 revocation can be a basis for removability, but it's two
21 separate things. State Department revokes the travel visa, but
22 it would require removal proceedings to eliminate the status
23 and actually accomplish the removal.

24 THE COURT: So I still do not understand what happens
25 if I'm terminated in SEVIS. What is the practical -- I mean, I

1 guess what I'm asking is -- this is helpful. This tells me
2 when someone can be terminated. What I'm more interested in
3 is, I'm a school counselor and it pops up that Mr. Patel's
4 SEVIS record has been terminated, or Mr. Smith's.

5 So far the only thing I understand from you all is
6 that it's a red flag, the person does not have to leave
7 immediately, correct?

8 MR. WALKER: That's correct.

9 THE COURT: Okay. And then can the person go to
10 classes?

11 MR. WALKER: That's up to the school. The school may
12 see that hit and tell the individual they can't go to classes.
13 I know that has happened in some cases, but upon follow-up by
14 the designated school official with their ICE field office that
15 could clarify that the person does in fact have status and can
16 attend classes.

17 THE COURT: We have to assume that the person at the
18 ICE field office actually knows what's going on.

19 MR. WALKER: I think that's fair to assume that the
20 person in the ICE field office would have access to the
21 individual's information.

22 THE COURT: You and I have different assessments of
23 what's fair to assume that government officials have these days
24 with respect to updated knowledge. We have that disagreement,
25 that's fine.

1 I'm going to let you obviously talk as long as you
2 want, but before I get to plaintiff's counsel on this effective
3 termination issue.

4 MR. WALKER: I think the primary things I wanted to
5 do, Your Honor, was talk about that policy that I have been
6 able to describe to you and answer Your Honor's questions from
7 the prior hearing.

8 THE COURT: I'm not sure I got through all of them. I
9 think we have actually. Thank you, sir.

10 Look, I know that I think technically, you know, the
11 fact that they will agree to keep Mr. Patel in active status
12 pending some other information coming out, I suppose that -- my
13 clerk found a Supreme Court case that said that government
14 making something moot does not necessarily -- I mean, giving
15 the relief does not necessarily make something moot, but I'm
16 kind of at a loss as to what I'm still doing with respect to
17 Mr. Patel if we have a representation from the government -- I
18 guess I could say -- I guess I could get a representation from
19 the government that if they are going to do anything else with
20 Mr. Patel, he be given two weeks or 30 days notice, but other
21 than that, I'm not sure what else to do for you.

22 MR. BANIAS: Your Honor, we made various arguments
23 about why it's arbitrary and capricious.

24 THE COURT: I think we can all agree it was arbitrary
25 and capricious. My question to you is, yeah, this was not

1 ideal by any stretch of the imagination. It still boggles my
2 mind that we're firing tens of thousands of federal workers on
3 no notice and then spend -- take 10 or 20 of them to run a
4 bunch of names through a database to see if they are students
5 if they have a speeding record.

6 You know what, it's not my call. But my question is
7 with respect specifically to Mr. Patel, I mean, he's on active.
8 He's going to remain on active, pending any new information.
9 You know, so I'm not sure what else to do for you.

10 MR. BANIAS: Your Honor, we think that he's definitely
11 subject to termination under this, quote, "new policy."

12 THE COURT: I can get a representation from the
13 government that absent new information, he's not going to be
14 terminated, and that if they plan to terminate him, he gets
15 notice. I don't know what else I could do for you.

16 MR. BANIAS: Your Honor, one of our arguments is that
17 this is ultra vires and that this new policy is even more ultra
18 vires. If this Court rules this an ultra vires act, it
19 protects my client because they can't go and use power they
20 don't have again.

21 THE COURT: But I don't need to go that far. Look,
22 I'm not going to wade into whether or not the policy makes
23 sense or doesn't if I don't need to. Okay. And I'm just not
24 going to do it. So I think if Mr. Walker and you want to come
25 up with some language that Mr. Walker can give me or some

1 representation that the government will make, you know, that
2 Mr. Patel based on the current -- Mr. Walker, come up. I think
3 you have already said. In your understanding, based on the
4 current record, having Mr. Patel's NCIC status here, with
5 Mr. Watson here, your understanding, the government's position
6 is that under the new policy he is not subject to termination
7 based on what we know today?

8 MR. WALKER: I have to provide caveats to this, Your
9 Honor. I'm going to provide the caveats. He's not subject to
10 termination for the visa revocation purpose on that policy, and
11 based on the information currently available to ICE at this
12 time, he would not be terminated absent a court order. So
13 without a court order, he won't be.

14 THE COURT: He can't say that he's not going to be
15 terminated at all, because they could come up -- I'm not going
16 to use Mr. Patel. Let's say there's a Mr. Smith who is exactly
17 in your client's position, and Mr. Walker is saying the same
18 thing about Mr. Smith, and the reason Mr. Walker is saying that
19 and Mr. Watson is asking him to say that is because, you know,
20 Mr. Smith might have killed puppies while at school and we just
21 didn't know that, right. So that's why there is that caveat.
22 He's never going to be able to not give you that caveat.

23 MR. WALKER: One additional thing I want to add, Your
24 Honor, is that Mr. Patel is on the brink of finishing his
25 education. I think he has his last final next week. He's

1 graduating on the 15th, so his interests are in the very, very
2 immediate term.

3 MR. BANIAS: If I may, Your Honor.

4 THE COURT: He's in classes right now because I
5 entered the TRO that he could go to classes, right?

6 MR. BANIAS: Yes, Your Honor.

7 THE COURT: He's getting an engineering degree?

8 MR. BANIAS: Information systems, Your Honor.

9 THE COURT: Ironic.

10 MR. BANIAS: He's also applied for postgraduate
11 optional practical training. This is an application that will
12 allow him to work, because he's in a STEM major, for up to
13 three years within his field of study. That's going to go to
14 United States Citizenship and Immigration Services.

15 THE COURT: We can give -- Mr. Walker, can you work
16 with me so that I don't have to look at the entire policy,
17 which I'm quite confident you don't want me to do in
18 particular. Can you guys come up with some language that we
19 will enter on the court docket about Mr. Patel specifically?
20 And your co-counsel wants to give you a note.

21 MR. WALKER: I'm very happy to try that, Your Honor.
22 I can't promise we will be able to, but we will endeavor to do
23 that.

24 THE COURT: I just want to make clear for the record
25 that I'm trying very hard to not enjoin an entire policy, and

1 I'm trying very hard to get just one person relief.

2 MR. WALKER: I understand.

3 THE COURT: That's what I'm trying to do.

4 MR. BANIAS: Your Honor, we are happy to work with the
5 government to agree to language. We have been doing that for
6 the last three weeks and we've gotten nowhere.

7 THE COURT: I'm telling Mr. Walker right now that
8 based on what I have seen so far, he does not want me to issue
9 a ruling in this case. He really does not want me to issue a
10 ruling in this case. He really, really, really -- I'm looking
11 at you and not Mr. Walker, and I assume Mr. Walker is paying
12 attention to me -- does not want me to issue a ruling in this
13 case.

14 MR. WALKER: Loud and clear, Your Honor.

15 THE COURT: I understand that your client is going to
16 have concerns and words and what you call it and what you all
17 say to your client is, you can add in the language that this is
18 not binding on the government as to anybody else, that this is
19 not conceding anything by government, and you tell your client
20 that they want to just keep Mr. Patel in the country and happy
21 so they can avoid me issuing a ruling which they will not like.

22 Okay. And contrary to the belief of a number of
23 people, I am literate and I can actually write a long ruling
24 that explains in detail all the issues that I see with what's
25 happened here.

1 MR. WALKER: Understood.

2 THE COURT: You guys have a week to get that language
3 to me. If you need more time, let me know. If there is an
4 issue that you guys can't agree, before you file something,
5 email my chambers. We'll have a quick call and we'll see where
6 to go from there.

7 The TRO expires on Thursday. I assume, Mr. Walker,
8 you can represent that nothing is going to happen to Mr. Patel
9 while you two are working this out, right?

10 MR. WALKER: Yes, Your Honor.

11 THE COURT: Okay. Thank you, everyone.

12 (Proceedings concluded at 11:00 a.m.)

13 CERTIFICATE

14 I, Sonja L. Reeves, Federal Official Court Reporter in and
15 for the United States District Court of the District of
16 Columbia, do hereby certify that the foregoing transcript is a
17 true and accurate transcript from the original stenographic
18 record in the above-entitled matter and that the transcript
19 page format is in conformance with the regulations of the
20 Judicial Conference of the United States.

21 Dated this 29th day of April, 2025.

22

23 /s/ Sonja L. Reeves
24 SONJA L. REEVES, RDR-CRR
25 FEDERAL OFFICIAL COURT REPORTER

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