IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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THE DOOR ET AL.,

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Plaintiffs,

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v.

* Civil No. 26-4326-BAH

JOSEPH B. EDLOW ET AL.,

*

Defendants.

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ORDER SETTING BRIEFING SCHEDULE

By paperless order issued yesterday (ECF 28), the Court requested that the parties confer on a timetable for briefing on Plaintiffs' motion seeking an *ex parte* stay under the Administrative Procedure Act and temporary restraining order ("TRO") enjoining Defendants from enforcing policies that provide inadequate notice and preparation time for asylum interviews of unaccompanied child applicants and require "exceptional circumstances" to reschedule an asylum interview. ECF 23, at 1–2. Unfortunately, the parties were unable to agree on a schedule so the Court will enter its own.[1]

"Temporary restraining orders exist to prevent immediate and irreparable injury, loss, or damage by preserving the status quo until the court considers whether to order preliminary

[1] Emails sent to chambers by counsel for both parties reflect that counsel made good faith efforts to set their own schedule but could not come to an agreement. Defendants sought a schedule that would not have briefing completed until November 3, 2026, due to the fact that counsel has "other matters pending that require . . . immediate attention." Plaintiffs, who initially proposed a schedule that would have briefing complete by October 28, did agree to Defendants' schedule so long as Defendants "allow Plaintiffs to reschedule asylum interviews . . . pending an order on the TRO." It appears Defendants did not accept this offer. However, the parties are asked to promptly notify the Court by email in the event an agreement is reached to modify the Court's briefing schedule.

injunctive relief (or terminate the TRO)." *Am. Ass'n of Colleges for Tchr. Educ. v. McMahon*, 770 F. Supp. 3d 822, 845 (D. Md. 2025), *reconsideration denied*, No. 1:25-CV-00702-JRR, 2025 WL 863319 (D. Md. Mar. 19, 2025) (citing Fed. R. Civ. P. 65(b)(1)(A)). Defendants received the TRO on October 19, 2026. *See* ECF 27-3 (noting that the TRO was sent to the Chief of the Civil Division on October 19, 2026, at 10:37 a.m.).[2] Thus, the Court notes that Defendants have already had several days to review Plaintiffs' emergency filing and begin to craft a response. With this in mind, and noting that Plaintiffs' filings lays out a significant change in regular practice that is impacting a highly vulnerable population (children seeking asylum), the Court believes an expedited schedule to address the TRO is appropriate.

As such, the Court orders that any response to the motion seeking a TRO must be filed on or before October 26, 2026, and any reply be filed on or before October 28, 2026. The opposition is limited to 25 pages, and the reply is limited to 12 pages. The Court does not intend to hold a hearing on the motion for a TRO and will decide the motion on the papers. However, the Court anticipates a request for a preliminary injunction. The Court will permit additional briefing and will set a hearing on that motion. If the motion seeking a TRO is granted, the Court will prioritize the preliminary injunction hearing as contemplated by Fed. R. Civ. P. 65(b)(3). *See Am. Ass'n of*

[2] Despite this notice, no counsel entered an appearance on behalf of Defendants nor did counsel make any efforts to respond to the motion until prompted by yesterday's order. ECF 27, at 2 (noting no response from Defendants after sending the complaint and the TRO). This is, of course, Defendants' choice to make and the Court could have proceeded to decide the motion *ex parte*, as requested by Plaintiffs. However, while *ex parte* TRO are often justified, '[t]he stringent restrictions imposed by . . . Rule 65 [ ] on the availability of *ex parte* temporary restraining orders reflect the fact that our entire jurisprudence runs counter to the notion of court action taken before reasonable notice and an opportunity to be heard has been granted both sides of a dispute." *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cnty.*, 415 U.S. 423, 438–39 (1974). As such, the Court believes the wisest course is to permit Defendants an opportunity to respond to the motion.

Colleges for Tchr. Educ., 770 F. Supp. 3d at 845 ("Rule 65 contemplates the importance of proceeding expeditiously from entry of a TRO to a preliminary injunction hearing.").

Accordingly, it is **ORDERED** that:

1. Defendants' opposition to the motion seeking a TRO is limited to 25 pages and must be filed on or before October 26;
2. Plaintiffs may file a reply brief of no more than 12 pages on or before October 28;
3. If Plaintiffs choose not to file a reply, they should promptly notify the Court;
4. The Court will rule on the papers; and
5. If the parties reach an alternative agreement as to scheduling, they should promptly notify the Court.

/s/
Brendan A. Hurson
United States District Judge

October 21, 2026