

No. 25-6308

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JENNY LISETTE FLORES, *et al.*,
Plaintiffs-Appellees,

v.

PAMELA BONDI, ATTORNEY GENERAL OF THE UNITED STATES,
et al.,
Defendants-Appellants.

ON APPEAL FROM AN ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

**DEFENDANTS-APPELLANTS' MOTION
TO SET CASE FOR ORAL ARGUMENT**

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Defendants-Appellants (the government) respectfully move to set argument at the next available sitting after the completion of briefing in this appeal from the district court's August 15, 2025 order denying the government's motion to terminate the *Flores* Settlement Agreement. Plaintiffs-Appellees oppose this motion.

The government moved to expedite this appeal, and the Court granted that motion in part. Dkt. No. 5.1. This Court expedited briefing but did not set a date for oral argument. Order, Dkt. No. 14.1 (Dec. 29, 2025). The answering brief was filed on January 21, 2026, and the reply brief is due February 11, 2026. *Id.* Now that briefing is almost complete, the government requests that this Court set argument at the next available sitting after the close of briefing.

As explained in the motion to expedite, this is an appeal from a district-court order that refused to terminate a nationwide decree that significantly constrains the Executive's authority over nationwide immigration policy and that no longer reflects the current circumstances. The exponential increase in border crossings over much of the last five years and other factual changes—as well as new policy insights, case law, statutes, regulations, and policy guidance—necessitate a comprehensive

approach that addresses operational needs as they exist today, not in 1997 when the decree was entered. In one of those new statutes, the One Big Beautiful Bill Act, Congress specifically funded family residential centers. Pub. L. No. 119-21, § 90003 (2025). That act is a funding bill of limited time duration. While the decree is in place, the will of Congress cannot be fully effectuated during that funding period. In addition, quickly resolving this appeal would ensure that the current Executive officials could promptly pursue further appellate review, if necessary. Expediting this appeal would also promote judicial economy and preserve party resources because the decision in this appeal could eliminate or clarify the issues in the district court proceedings and the other ongoing *Flores* appeals. The government explained that these reasons supplied good cause to expedite the case, and, based on that motion, the Court expedited briefing.

Additional reasons to resolve this appeal quickly have emerged. Multiple individuals across the country have filed habeas petitions raising claims under the *Flores* consent decree. *See, e.g.*, Habeas Pet., *Aponte Silva v. Noem*, No. 5:25-cv-01848-FB (W.D. Tex. Dec. 23, 2025), ECF No. 1; Habeas Pet., *Lira Caceres v. Shanahan*, 25-cv-10780

(S.D.N.Y. Dec. 30, 2025), ECF No. 1; Habeas Pet., *Montoya Sanchez v. Noem*, No. 5:25-cv-01410-FB (W.D. Tex., Oct. 31, 2025), ECF No. 1. More individual cases with such claims are expected. Thus, there is even greater need to resolve the propriety of the *Flores* Settlement Agreement across the country. In addition, another *Flores* appeal was docketed in this Court (No. 25-7468), bringing the total number of pending appeals to six. And, while this appeal has been pending, the district court set further proceedings regarding its oversight of the decree. *See Order re December 15, 2025 Status Conference, Flores v. Bondi*, No. 2:85-cv-04544-DMG-AGR (C.D. Cal. Dec. 15, 2025), ECF No. 1714. Swiftly resolving this appeal may eliminate or clarify all these pending matters and thereby reduce the large amount of public resources that are expended on this ongoing litigation and court monitoring.

For these reasons, the government requests that this case be calendared for argument at the next available date after briefing is complete.

Dated: January 23, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I certify that Appellants' foregoing motion complies with the type-volume limitation for papers submitted under Rule 27(d)(2)(A). Appellants' motion contains 558 words, with no words contained in any visual images, and its size and typeface comply with Rule 27(d)(1)(E).

DATED: January 23, 2026

/s/ Joshua C. McCroskey
JOSHUA C. MCCROSKEY