

Monroe County Circuit Court
Cause No. 53C06-2407-PL-001733

State of Indiana ex rel. Todd Rokita,
Attorney General of Indiana,
Plaintiff,

v.

Ruben Marté, in his official capacity as
Monroe County Sheriff, and the **Monroe**
County Sheriff's Office,
Defendants.

MOTION TO STAY PROCEEDINGS

Defendants respectfully request that the Court stay all proceedings during the pendency of a federal lawsuit between the parties, which is likely to resolve the key remaining dispute in this case. Holding these proceedings in abeyance will prevent duplicative litigation, conserve judicial resources, and minimize the risk of potentially conflicting court rulings. In support, Defendants state as follows:

1. This lawsuit was filed by the Attorney General against Sheriff Marté to challenge Monroe County Sheriff Office's Standard Operating Procedure MCSO-012, as amended in June 2024. The Attorney General argued that MCSO-012 conflicted with certain provisions of Indiana state law.

2. The Governor recently signed Senate Enrolled Act No. 76 ("SEA 76"). SEA 76 made significant changes to Indiana Code Chapter 18.2. In response, Sheriff Marté revised MCSO-012 to conform to all of the relevant provisions of the new law that went into effect immediately upon its passage. Before the July 1, 2026, effective date of the remaining provisions, Sheriff Marté plans to further revise

MCSO-012 to conform to those provisions, with one exception detailed further below. The amended version of MCSO-012 amends or removes almost every provision of the policy that the Attorney General challenged in this litigation, eliminating most of the remaining disputes at issue between the parties.

3. However, one provision of SEA 76, effective July 1, 2026, would require the Monroe County Sheriff's Office to detain an individual for up to 48 hours past their release date based solely on an immigration detainer request from the United States Department of Homeland Security.

4. Sheriff Marté continues to maintain that he cannot order his officers to detain individuals past their release date solely on the basis of an administrative immigration detainer request without violating the Fourth Amendment to the United States Constitution and exposing the Monroe County Sheriff's Office to significant civil liability from lawsuits by individuals whose federal constitutional rights would be violated by the unlawful detentions.

5. Faced with a conflict between state law and the federal Constitution, on April 8, 2026, Sheriff Marté filed a lawsuit in the United States District Court for the Southern District of Indiana against the Attorney General. *See Marté v. Rokita*, No. 1:26-cv-701 (S.D. Ind.). The lawsuit seeks a declaration that the immigration detainer mandate of SEA 76 violates the Constitution, as well as an injunction to prevent the detainer mandate from going into effect and to prevent the Attorney General from enforcing Section 4 of Chapter 18.2 insofar as it would require Sheriff Marté to comply with administrative immigration detainer requests. Sheriff Marté

plans to move for relief from the federal district court in time for that court to enter an order before the relevant provision of SEA 76 goes into effect.

6. Sheriff Marté's federal lawsuit asks the federal court to resolve the key issue remaining in this litigation: whether detaining a person based solely on an administrative immigration detainer request violates the Fourth Amendment. The federal court's decision is therefore likely to resolve the remaining substantive issue between the parties in this lawsuit.

7. Under the Court's "inherent power to stay its proceedings," this Court has "discretion to impose a stay when the 'interests of justice' so require." *Hardiman v. Cozmanoff*, 4 N.E.3d 1148, 1152 (Ind. 2014). In exercising its discretion, this Court may consider many factors, including the relative harms to the parties, the convenience of the court, and the "degree of similarity between the issues in both cases." *Id.* at 1152-53.

8. The Court should stay this litigation to prevent unnecessarily duplicative litigation and further judicial efficiency. If the federal court declares that detaining a person based on an administrative immigration detainer request violates the United States Constitution and/or issues an injunction against the mandatory detainer provision of SEA 76, that will eliminate the need for this Court to resolve the main point of contention remaining between the parties.

10. The parties will face no prejudice from having the federal constitutional issues at stake in this litigation resolved by a federal court. And because Sheriff

Marté plans to seek injunctive relief before the relevant provision of SEA 76 goes into effect, there is unlikely to be significant delay.

11. The convenience of the court also counsels in favor of granting this stay. The prior summary judgment briefing has been overtaken by the intervening change in state law, and additional briefing and argument will be required to account for those changes. Staying proceedings now will ensure that this Court has the benefit of the federal court's opinion before rendering its final decision.

12. Defendants sought the Attorney General's position on this motion, and the Attorney General opposes it.

WHEREFORE, Defendants respectfully move the Court to issue a stay of all further proceedings in this matter, including all existing deadlines, until the federal court issues final judgment in *Marté v. Rokita*, Case No. 1:26-cv-701 (S.D. Ind.).

April 11, 2026

Respectfully submitted,

/s/Justin D. Roddye

Justin D. Roddye

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CERTIFICATE OF SERVICE

I certify that on April 11, 2026, service of a true and complete copy of the above and foregoing pleading or paper was made upon all counsel of record herein by electronic service using the Indiana E-Filing System:

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