

July 1, 2026, which is distinct from the provisions of Chapter 18.2 at issue in this case, and they claim that judicial resources accordingly would not be saved by declining to stay this case. Opp'n at 3. But as Defendants acknowledge, the sole question at issue in the federal lawsuit is "whether detaining a person based on an administrative immigration detainer request violates the Fourth Amendment." Defs.' Mot. to Stay ¶ 6. That issue is materially identical to the Fourth Amendment issues raised by Plaintiff's enforcement action. Defendants fail to identify any meaningful way in which the Fourth Amendment issue in this case differs from the issue raised in Defendant's federal case. And again, that issue is already fully briefed and ripe for the Court's consideration, while the federal case has yet to leave square one. Indeed, as of this filing, Defendant Marté still has not served his complaint in the federal case on the State. Staying this case in favor of the federal one would lead to a significant waste of resources.

Second, Defendants frame the relevant question as whether this case and the federal lawsuit should address the Fourth Amendment issue simultaneously, which they say would lead to the duplication of resources, or whether this case should be stayed while the federal court decides the issue. Opp'n at 2–3. But that assumes a federal decision in Defendant Marté's favor as a *fait accompli* and ignores the fact that the State, if or when Defendant Marté finally serves his federal complaint, intends to seek a swift dismissal of the federal case on preliminary grounds that are antecedent to the merits, which would prevent the federal court from ever addressing the Fourth Amendment issue at all.

Third, Defendants resist the notion that the public interest weighs against a stay because the provision of SEA 76 at issue in the federal lawsuit does not take effect until July 1. Again, Plaintiff's argument in *this case* is that Defendants' immigration-related policy violates state law as it exists *now*, and has for years, for reasons that are materially identical to why it will also violate the amended provision when it goes into effect. Consequently, staying this case seriously prejudice Hoosiers' significant interest in seeing that state law is properly enforced. Indeed, the stay has already had that effect. Prior to the stay, the parties had engaged in preliminary discussions to settle Plaintiff's other claims that do not concern the Fourth Amendment issue and Defendants' detainer policies. But after the stay was put in place, Defendants informed Plaintiff that they do not plan to engage in any settlement discussions of those claims while the stay remains in place. The stay is thus effectively delaying indefinitely resolution of all of the State's claims in this suit, even those that have no connection whatsoever to the federal lawsuit.

Fourth, Defendants maintain that they are seeking broader relief in the federal case, *id.* at 3, but the impact of the injunction they seek in that case and a ruling by this Court in Defendants' favor on the Fourth Amendment issue would have essentially the same practical impact, as Plaintiff's motion for reconsideration explained. Defendants do not offer any concrete way in which the relief they seek from the federal court would differ from the relief available here.

The State filed this enforcement action to compel Defendants' compliance with state law—and to eliminate serious public safety risks posed by Defendants' unlawful

policies—nearly two years ago. The case is fully briefed and ripe for decision. There is no reason to further delay resolution of the State’s claims against Defendants.

Accordingly, Plaintiff respectfully requests that the Court reconsider its Order granting Defendants’ motion to stay and instead deny Defendants’ motion.

Respectfully submitted,

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Date: April 30, 2026

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CERTIFICATE OF SERVICE

I certify that on April 30, 2026, the foregoing document was served upon the following person(s) via IEFS, if Registered Users, or by depositing the foregoing document in the U.S. Mail, first class, postage prepaid, if exempt or non-registered user:

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