

resolve the same question that this Court is fully equipped and ready to resolve. Declining to stay this case will also allow for a speedier resolution of this issue and is in the public interest. Hoosiers have strong interests in Indiana law being effectively enforced throughout the State and in dangerous illegal immigrants being kept in custody in compliance with ICE detainers instead of being released so that they may commit further crimes that endanger the public. Accordingly, the Court should reconsider its Order and deny Defendants' motion to stay.

A court has “inherent power to stay its proceedings . . . when the ‘interests of justice’ so require.” *Hardiman v. Cozmanoff*, 4 N.E.3d 1148, 1152 (Ind. 2014) (citation omitted). In exercising its discretion to grant a stay, the court is not limited to a specific list of factors, but may consider, among other factors, “the potential prejudice to the plaintiff of a delay,” “the efficient use of judicial resources,” and “the interest of the public.” *Id.* (citation omitted). Each of these factors strongly counsels in favor of denying a stay.

First, Plaintiff, representing the State of Indiana, would be unduly prejudiced by a stay in this case. The State has not yet taken a position on which issues remain in dispute in this case following Defendants' recent amendment of their challenged policy, but at a minimum the parties continue to strenuously dispute whether complying with ICE detainer requests violates Article 1, Section 11 of the Indiana Constitution and the Fourth Amendment to the Federal Constitution. The sole merits issue in Defendants' federal lawsuit, in turn, is the Fourth Amendment issue. As this Court is well aware, the question of whether complying with ICE detainers violates

the Fourth Amendment has been briefed in this court multiple times; indeed, that very issue has been comprehensively briefed in connection with the parties' pending summary judgment cross-motions and a hearing on those motions has already been set. Defendants are simply incorrect that this prior briefing has been mooted by the changes in state law; to the contrary, neither the recent changes strengthening Chapter 18.2 nor Defendants' recent revision of their immigration-related policies have altered in the slightest the core issue concerning the legality of ICE detainers. *Contra* Mot. to Stay ¶ 11. Critically, Defendants' revised policy still includes a provision restricting Defendants' and their employees' compliance with detainer requests.¹

Plaintiff would be severely prejudiced if it was forced to start from square one on this issue in federal court when the issue is already fully briefed and ready for resolution in this Court. And, contrary to Defendants' insinuations, this court is fully competent to decide issues of federal constitutional law, such as the constitutionality of ICE detainers under the Fourth Amendment. *See, e.g., Claflin v. Houseman*, 93 U.S. 130, 135–36 (1876). “The laws of the United States are laws in the several States, and just as much binding on the citizens and courts thereof as the State laws are.”

¹ As noted in the parties' joint request for an extension of time to file amendments to their respective summary judgment motions, the parties believe they may be able to narrow the grounds of dispute in this case and resolve some of the State's claims as a result of changes Defendants have made to their immigration-related policies, and the parties asked for and were granted an additional week to file amendments to their motions. However, because Defendants continue to restrict their and their employees' ability to honor detainers, that issue will remain ripe for and in need of resolution regardless of whether the parties are able to resolve other claims.

Id. at 136. Thus, from the beginning of the Republic the rule has been that a federal constitutional right “may be enforced in any court . . . competent to hear and determine such kind of rights,” including state courts, because “[t]he fact that a State court derives its existence and functions from the State laws” does not make it any less “bound to recognize [federal rights] as operative within the State as it is to recognize the State laws. The two together form one system of jurisprudence, which constitute the law of the land for the State; and the courts of the two jurisdictions are not foreign to each other, nor to be treated by each other as such, but as courts of the same country” *Id.* at 136–37. Nor would the injunction Defendants say they intend to request in the federal litigation provide them with any different or greater relief than a ruling by this court in their favor on the Fourth Amendment issue; in either case, should either this Court or the federal district court side with Defendants’ interpretation of the Fourth Amendment, the State would be barred from enforcing the detainer-related provisions of Chapter 18.2 against Defendants.

Under these bedrock principles, this Court has the same obligation—and competence—to decide the disputed Fourth Amendment question as the U.S. District Court for the Southern District of Indiana. Defendants may prefer to see the Fourth Amendment issue decided by a different judge, but that does not constitute a valid reason that justify scrapping all of the litigation that has taken place in this case already and arbitrarily shifting the dispute from this court to federal court.

Second, and for the same reasons, staying this case would waste, not conserve, judicial resources and delay the resolution of the issues in dispute. Again, the Fourth

Amendment issue has already been comprehensively briefed in this Court and is currently pending resolution. The federal court, by contrast, has not yet engaged in any proceedings on the substance of the Defendants' claim at all. Indeed, process has not yet even been served in that case. Furthermore, Plaintiff, once served, plans to seek a swift dismissal of the federal case on grounds that do not implicate the merits, which would prevent the federal court from grappling with the substance of the Fourth Amendment issue *at all*. As a result, indefinitely pausing *this* case—where the Fourth Amendment issue has been comprehensively briefed multiple times, including in the pending summary judgment motions, and a hearing on the issue has already been set—in favor of a federal challenge that has not yet progressed past the stage of service of process makes no sense from anyone's perspective.

Third, and perhaps most importantly, Hoosiers have a special interest in the speedy resolution of this case and the vindication of the duly enacted State law at issue. As the case law Defendants themselves cite explains, "Courts have denied stays" in civil enforcement actions brought by a government agency that are "intended to protect the public." *Hardiman*, 4 N.E.3d at 1155 (quoting *Walsh Sec., Inc. v. Cristo Prop. Mgmt., Ltd.*, 7 F. Supp. 2d 523, 529 (D.N.J. 1998)). That description perfectly captures this case. As Plaintiff has argued, Indiana law currently prohibits Defendants from preventing their employees from voluntarily complying with ICE detainer requests, and as of July 1, 2026, will require Defendants to comply with those requests. Yet Defendants have repeatedly ignored such requests and released illegal aliens from custody in the teeth of these requirements—including

on at least one occasion, an alien who, after release, allegedly went on to commit assault. *See* Defs.' MSJ App'x B at 128. Not only do Hoosiers have a significant interest in state law being enforced, but they also have a weighty interest in dangerous illegal aliens not being released into the community where they commit further crimes. The public interest thus strongly weighs against staying this case.

WHEREFORE, 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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CERTIFICATE OF SERVICE

I certify that on April 21, 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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