

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.

OPPOSITION TO MOTION TO RECONSIDER

Defendants respectfully request that the Court deny Plaintiff's Motion to Reconsider and keep in place the Court's stay of all proceedings in this case during the pendency of a federal lawsuit between the parties.

Plaintiff's motion concedes that this Court has discretion to issue a stay, Mot. at 2, but disagrees with the Court's exercise of its discretion. The Court committed no error in granting the stay, and Plaintiff offers no basis for reversing the Court's decision.

Plaintiff filed this lawsuit to challenge the validity of the 2024 version of Defendants' policy under state law. Both Defendants' policy and state law have changed significantly since the lawsuit was filed. In particular, Senate Enrolled Act 76 ("SEA 76"), which was signed into law after the completion of parties' most recent summary judgment briefing, significantly amended the provisions of state law on which Plaintiff's complaint was based. In response, Defendants have significantly amended their policy. The amended version of Defendants' policy

alters 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. The parties have yet to file briefs discussing the significance of these changes.

One provision of SEA 76, effective July 1, 2026, would require the Defendants 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. This new provision post-dates the summary judgment briefing and has not yet been squarely addressed in this litigation. It is also the subject of the federal litigation.

The sole remaining issue of contention between the parties in this lawsuit is the very question of federal constitutional law that has been brought to the federal court for resolution. “[T]he degree of similarity between the issues in both cases is frequently the most important factor” in deciding whether to grant a stay.

Hardiman v. Cozmanoff, 4 N.E.3d 1148, 1152 (Ind. 2014). Plaintiff’s motion recognizes that the constitutional issue involved in both cases is the same, Mot. at 2, but he offers no persuasive reason why both cases should proceed simultaneously.

First, Plaintiff argues that he will be “unduly prejudiced” by a stay because he will be “forced to start from square one on this issue in federal court.” Mot. at 2-3. But this Court has no power to stay the federal litigation or otherwise spare Plaintiff from federal court briefing; the question is whether the issue should be deliberated in both courts or just one.

Contrary to Plaintiff's argument, Defendants do not question the "competen[cy]" of this Court to resolve the federal constitutional issue. Mot. at 3. The issue is one of efficiency, not competency. As Plaintiff concedes, "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." Mot. at 4. There is no need for both courts to simultaneously an issue when one court may suffice.

Second, Plaintiff's contention that "staying this case would waste, not conserve, judicial resources," Mot. at 4, is without support. Neither this court nor the federal court has yet considered constitutionality of SEA 76, and the parties have yet to file supplemental briefs in this case regarding this new state law. Defendants plan to file imminently a motion for a preliminary injunction in the federal court raising the constitutional issue and seeking to enjoin the law before it goes into effect. Should the federal court agree with Defendants, this Court will be spared from having to resolve the parties' remaining disagreement, saving judicial resources. And such a decision will also spare other courts from having to consider the same issue. Contrary to what Plaintiffs claim, Mot. at 4, Defendants seek broader relief in the federal case than is available here: a declaration that the detainer provision of SEA 76 is unconstitutional and an injunction against its enforcement. A determination of the constitutionality of the law as a whole will avoid additional duplicative litigation.

Third, there is no merit to Plaintiff's contention that "Hoosiers have a special interest in the speedy resolution of this case and the vindication of the duly enacted State law at issue." Mot. at 5. The provision of SEA 76 at issue in the federal lawsuit does not even go into effect until July 1, and staying this case until the federal court decides whether the law can go into effect will not harm any interest of the State.

Plaintiff's motion for reconsideration fails to identify any persuasive basis for this Court to reconsider its decision to stay this case pending further federal court proceedings.

WHEREFORE, Defendants respectfully request the Court deny Plaintiff's motion for reconsideration.

April 22, 2026

Respectfully submitted,

/s/Justin D. Roddye

Justin D. Roddye

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CERTIFICATE OF SERVICE

I certify that on April 22, 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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