

there are *no circumstances* under which [an alien may] receive a visa through the diversity visa program after his eligibility expired at midnight on September 30[.]” *Mogu v. Chertoff*, 550 F. Supp. 2d 107, 109 (D.D.C. 2009) (emphasis added). “Though unforgiving, this strict interpretation of the diversity visa statute has been adopted by every Circuit Court to have addressed the issue.” *Id.* Moreover, the courts of appeals have been crystal clear that no amount of equity can override the statute’s temporal deadline. *See, e.g., Mwasaru v. Napolitano*, 619 F.3d 545, 551 (6th Cir. 2010); *Mohamed v. Gonzales*, 436 F.3d 79, 81 (2d Cir. 2006) (per curiam); *Coraggioso v. Ashcroft*, 355 F.3d 730, 734 (3d Cir. 2004); *Carrillo-Gonzalez v. INS*, 353 F.3d 1077, 1079 (9th Cir. 2003); *Nyaga v. Ashcroft*, 323 F.3d 906, 914–15 (11th Cir. 2003) (per curiam); *see also Iddir v. INS*, 301 F.3d 492, 501 n.2 (7th Cir. 2002) (holding that the statutory time limit precluded relief because the defendants no longer had a duty to issue diversity visas after the fiscal year ended).

The Plaintiffs in this case never received diversity visas for fiscal year 2017 prior to September 30, 2017. Nor were Defendants ordered to adjudicate or process the Plaintiffs’ diversity-visa applications by that date. *Contra Paunescu v. INS*, 76 F. Supp. 2d 896, 898 (N.D. Ill. 1999) (enforcing an order of September 25 for defendant agency to complete the adjudication of plaintiff’s adjustment of status); *Przhebelskaya v. U.S. Bureau of Citizenship & Immigration Servs.*, 338 F. Supp. 2d 399, 400 (E.D.N.Y. 2004) (enforcing an order of September 24 to compel the defendant agency to process plaintiffs’ applications). Nor has the Supreme Court fulfilled the condition subsequent this Court’s Order of September 29th laid out regarding whether “the Supreme Court finds ... Executive Order [No. 13,780] to be unlawful.” (ECF No. 50.) The plain

language of the diversity-visa statute consequently prevents Defendants from issuing the diversity visas Plaintiffs seek. *See Nyaga*, 323 F.3d at 914.

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2017, I electronically filed the foregoing STATUS UPDATE with the Clerk of the Court by using the CM/ECF system, which will provide electronic notice and an electronic link to this document to all attorneys of record.

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