

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KUSUMA NIO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,**

Defendants.

Civil Action No. 17-0998 (ESH)

ORDER

It is hereby

ORDERED that defendants shall amend their Report to the Court of Feb. 8, 2019, ECF No. 234, to incorporate information from their recent supplement to that report, ECF No. 236. Specifically, defendants shall file an updated chart including all previously produced information, as well as new columns for the date and result (favorable, unfavorable, or pending) of each class member's MSSR recommendation by DOD CAF, and, if applicable, provide the date notice was sent to the class member consistent with the October 26, 2018 DOD Memorandum. Defendants shall file on the public docket a version of the chart that complies with the Protective Order, and email an unredacted version to the Court and to plaintiffs' counsel; it is further

ORDERED that defendants shall file the following documents:

- Any reports, memos, or other documentation related to the "reviews" of the MAVNI program referenced in paragraphs 15-17 of the July 7, 2017 Declaration of Stephanie P. Miller. *See, e.g.*, 7/7/17 Miller Decl., ECF No. 19-7 ¶ 15 ("Through a review led by USD(P&R) and USD(I) from June through September 2016, it was determined that some MAVNI enlistees had been permitted to enter the military without completed background

checks and that the Military Services did not adequately track MAVNI enlistees post-accession.”). If the relevant documents have already been produced in this or a related case, identify the specific documents by citation to the relevant administrative record, appendix, or ECF number.

- Files for the following five class members who were discharged due to an unsuitable MSSD, identified by row number in the Excel spreadsheet provided to the Court on Feb. 8, 2019: 407, 472, 477, 481, 642. These files should include any reports related to (a) SSBI, CI-focused security review, or NIAC results; (b) MSSR and MSSD memos, reports, or notices; and (c) any documentation or reports relating to their discharge.

It is further

ORDERED that plaintiffs shall produce (1) the documents referenced in their Opposition and Reply, ECF No. 227, at 18 n.15 (“Plaintiffs are prepared to provide the Court with example SSBI and CI reports as well as example MSSR and MSSD memos.”), and (2) any documentation in their possession of Plaintiff Almeida’s background investigations and DOD CAF evaluation (*see id.* at 26 (“[H]is risk profile by DoDCAF was identified only as ‘minor’ and the family ties/influence that were identified did not prevent USCIS from granting his mother and sister LPR status in the last few months. . . .”))).

With the exception of any classified materials, all materials and information described herein shall be filed on the docket, under seal as appropriate and consistent with the Protective Order, on or before **Friday, March 8, 2019, at 12:00 p.m.**

SO ORDERED.



Ellen S. Huvelle

ELLEN SEGAL HUVELLE
United States District Judge

Date: February 21, 2019