

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
MOBILE DIVISION**

LEONARDO GARCIA VENEGAS,

Plaintiff,

v.

Case No. 1:25-cv-397-JB-N

TOM HOMAN, WHITE HOUSE BORDER CZAR,
IN HIS OFFICIAL CAPACITY, ET AL.,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE HEARING ON THE
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S APA CLAIMS AND PLAINTIFF'S
MOTION TO CERTIFY CLASS**

Plaintiff Leonardo Garcia Venegas respectfully requests that the Court enter an order resetting the date currently set for hearing on the Defendants' Motion to Dismiss Plaintiff's APA Claims and Plaintiff's Motion to Certify Class due to lead counsel taking paternity leave. As grounds, Plaintiff states and shows as follows:

1. On October 27, 2025, Plaintiff filed his Motion for Class Certification and Brief in Support. ECF 31.
2. On January 19, 2026, Defendants filed their Partial Motion to Dismiss Plaintiff's APA Claims. ECF 57.
3. On July 23, 2026, the Court set the Hearing on Plaintiff's Motion for Class Certification and Defendants' Partial Motion to Dismiss Plaintiff's APA Claims for Monday, August 24, 2026, at 1:30 p.m. ECF 102.

4. Lead Counsel for Plaintiff, Jared McClain, is expecting a baby on August 2, 2026, and is planning to take parental leave following the birth.

5. Plaintiff therefore respectfully requests the Court enter an Order resetting the hearing on the Motions to a date later than August 31, 2026.

6. Counsel for Plaintiff conferred with Defendants' Counsel prior to this filing, and Defendants do not oppose this motion for resetting the hearing. Defendants' Counsel indicated, however, that he is unavailable from September 14 through 18, 2026.

7. For the foregoing stated reasons, Plaintiff respectfully requests that this Court reset the date for Motions Hearing as it is currently set.

Dated: July 27, 2026.

Respectfully submitted,

/s/ Jared McClain

Jared McClain (DC Bar No. 1720062)*

Jaba Tsitsuashvili (DC Bar No. 1601246)*

Joshua Windham (NC Bar No. 51071)*

INSTITUTE FOR JUSTICE

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**Pro Hac Vice*

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE HEARING ON THE DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S APA CLAIMS AND PLAINTIFF'S MOTION TO CERTIFY CLASS with the Clerk of Court using the CM/ECF system, which will provide electronic service upon all attorneys of record.

/s/ Jared McClain
Jared McClain (DC Bar No. 1720062)