

IN THE SUPREME COURT OF THE UNITED STATES

No. 16-1363

KIRSTJEN M. NIELSEN, SECRETARY OF HOMELAND
SECURITY, ET AL., PETITIONERS

v.

MONY PREAP, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX

Pursuant to Rule 26.8 of the Rules of this Court, the Solicitor General, on behalf of the United States, seeks leave to dispense with the requirement of a joint appendix in this case. The question presented is whether a criminal alien becomes exempt from mandatory detention under 8 U.S.C. 1226(c) if, after the alien is released from criminal custody, the Department of Homeland Security does not take him into immigration custody immediately. That is a question of law. The opinions of the court of appeals and of the district courts are included as appendices to the petition for a writ of

certiorari. In our view, no other portion of the record merits special attention such as would warrant the preparation and expense of a joint appendix, and preparation of a joint appendix would not assist the Court's consideration of this case. We are authorized to state that respondents agree that a joint appendix is not necessary.

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

MAY 2018