Nos. 25-1083 & 25-1084

In the Supreme Court of the United States

MARKWAYNE MULLIN, SECRETARY, DEPARTMENT OF HOMELAND SECURITY, ET AL.,
Petitioners,
v.
DAHLIA DOE, ET AL.,
Respondents.

DONALD J. TRUMP, ET AL.,
Petitioners,
v.
FRITZ EMMANUEL LESLEY MIOT, ET AL.,
Respondents.

On Writs of Certiorari to the United States Courts of Appeals for the D.C. and Second Circuits

RESPONDENTS' JOINT MOTION FOR DIVIDED ARGUMENT AND ENLARGEMENT OF ARGUMENT TIME

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Pursuant to Supreme Court Rules 21, 28.3, and 28.4, respondents in No. 25-1083 ("Doe respondents") and No. 25-1084 ("Miot respondents") jointly move to (1) divide respondents' argument evenly and (2) enlarge the total argument time for each side from 30 to 50 minutes. Divided argument and an enlargement of time are warranted because these cases present important and complex issues, because the two cases rest on distinct records involving different countries, because Miot, unlike Doe, presents an equal-protection claim, and because separate counsel represent the Doe and Miot respondents respectively. Petitioners take no position on either of respondents' requests.

I. Divided argument is appropriate.

Divided argument is warranted because the consolidated cases present distinct issues and different facts and the respective sets of respondents are represented by separate counsel. See, e.g., Truck Ins. Exch. v. Kaiser Gypsum Co., 144 S. Ct. 996 (2024) (permitting divided argument where respondents were separately represented and had distinct interests and arguments in Chapter 11 reorganization case); United States v. Aurelius Investment, 588 U.S. 946 (2019) (permitting divided argument where respondents had varying and unique interests in Appointments Clause case).

"Having more than one lawyer argue on a side is justifiable . . . when they represent different parties with different interests or positions." Stephen M. Shapiro at al., Supreme Court Practice 777 (10th ed. 2013) (citing Rapanos v. United States, 546 U.S. 1000 (2005); Clinton v. City of New York, 523 U.S. 1058 (1998)). Although all respondents here share interests—they agree that 8 U.S.C. 1254a(b)(5)(A) does

not preclude their APA claims and that they are likely to prevail on the merits of their APA claims—they nonetheless advance different claims based on different theories and different facts. Divided argument will allow the Court to better explore and understand these differences and their ramifications and, thus, enable the Court to render a more fully informed decision in this highly consequential area of the law.

1. Divided argument is warranted first because the district court decisions in Doe and Miot rest on distinct facts and different records. The unique familiarity of counsel for one set of respondents with the record developed in their case cannot be replicated by counsel for the other set of respondents on the extremely compressed timeline on which this case is set to be briefed and argued. Divided argument will allow the Court to ask—and obtain answers to—factual questions from counsel intimately familiar with the disparate facts in each case.

2. In addition, the Miot respondents present the question whether the Secretary's termination of Haiti's TPS designation violated the Fifth Amendment's prohibition on government action motivated by racial animus. Respondents in both cases asserted an equal protection claim, but only the relief granted in Miot is based on it. Compare Appl. App. 76a–86a, Trump v. Miot, No. 25-1084, with Appl. App. 28a–29a, Mullin v. Doe, No. 25-1083. Allowing divided argument will benefit the Court—and the development of the law—by enabling counsel for the Miot respondents to present the important questions raised by the discrimination claim, including both what standard governs it and whether the Miot respondents have shown a likelihood of success on that claim.

3. Allowing divided argument will also allow the Court to consider a wider range of APA claims. For example, only the Miot respondents argue that the Secretary acted "without observance of procedure required by law" (5 U.S.C. 706(2)(D)) and exceeded statutory and constitutional constraints not only by basing the termination of Haiti's TPS designation on "national interest" but by then defining the national interest in ways inconsistent with the TPS statute and the Fifth Amendment. Conditional Cert. Pet. 17–20, Miot, No. 25-1077. In contrast, only the Doe respondents argue that the Secretary lacks statutory authority to terminate a TPS designation based on the "national interest" under any circumstances. See J.A. 607-08. It is important that counsel for both Miot and Doe be able to present these and other distinct claims to the Court.

4. This Court has previously granted divided argument where, despite their alignment on the merits, parties represented by separate counsel have raised different claims, pressed different theories, and developed distinct records. See, e.g., Am. Legion v. Am. Humanist Ass'n, 586 U.S. 1125 (2019); Gill v. Whitford, 582 U.S. 965 (2017); Ala. Democratic Conf. v. Alabama, 574 U.S. 969 (2014); League of United Latin Am. Citizens v. Perry, 546 U.S. 1149 (2006). It should do the same here.

II. Enlargement of argument time is appropriate.

Enlargement of the argument time from 30 to 50 minutes per side is also appropriate.

1. The Court "may grant"—and has granted—"more than a total of one hour for oral argument" when it grants and consolidates separate petitions for

certiorari. Shapiro, supra, at 780 n.31 (citing Exxon Mobil Corp. v. Allapattah Servs., 543 U.S. 924 (2004); Clinton v. Glavin, 525 U.S. 924 (1998); Barclays Bank, PLC v. Franchise Tax Bd., 510 U.S. 942 (1993)); see also, e.g., Trump v. V.O.S. Selections, Inc., No. 25-250, 2025 U.S. LEXIS 4013 (Oct. 23, 2025) (granting enlargement of time for argument in consolidated cases); ZF Automotive US, Inc. v. Luxshare, Ltd., 142 S. Ct. 1203 (2022) (same).

2. Enlarging the time allocated to argument in these consolidated cases is warranted for at least two reasons.

First, despite certain overlapping issues, these consolidated cases present different claims and legal theories, arise from separate district court decisions, and rest on distinct records. See Part I, supra; see also Conditional Petition for Certiorari Before Judgment 15–20, Miot v. Trump, No. 25-1077.[1] An enlargement of time is appropriate so the Court can explore the full range of issues raised in each case.

Second, an enlargement of time is appropriate given the "extraordinary public importance and difficulty" of these cases. Shapiro, supra, at 790–91. The Court's resolution of these cases—which implicate jurisdictional issues and disparate lines of precedent—will directly impact at least hundreds of thousands of TPS holders, including more than 350,000 Haitian immigrants whose TPS status is the only thing that stands between them and "a maelstrom of disease, poverty, violence . . . and death," George F. Will, A federal judge schools chaotic Kristi Noem, Wash. Post (Feb. 6, 2026), https://tinyurl.com/2hyr6fsh, nearly 7,000 Syrians who risk deportation to a

[1] For example, the APA relief granted in Miot rests in part on an equal-protection claim brought under 5 U.S.C. 706(2)(B); the relief granted in Doe does not.

country caught in an "escalating regional conflict," see Syrian army says drone attacks targeted its bases near Iraq, Reuters (Mar. 30, 2026), https://tinyurl.com/4ucw3ek6, and several hundred thousand TPS holders from other countries whose claims may well turn on this Court's decision.

* * *

For the reasons stated, respondents ask that the Court allow the Miot and Doe respondents to equally divide respondents' time and enlarge the argument time from 30 to 50 minutes per side.

April 7, 2026

Respectfully submitted,

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