

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Matthew Ariwoola,)	Civil Action Number: 3:25-cv-03313-JDA
)	
Plaintiff,)	
)	
vs.)	
)	
Kristi Noem, in her official capacity)	
as Secretary of Homeland Security;)	
the Department of Homeland Security;)	
and Todd Lyons, in his official)	
capacity as Acting Director of U.S.)	
Immigration and Customs Enforcement,)	
)	
Defendants.)	

**DEFENDANTS' NOTICE OF CHANGE IN MATERIAL FACTS AND
MOTION TO SUSPEND PRELIMINARY INJUNCTION SCHEDULE**

On April 18, 2025, Plaintiff filed an Emergency Motion for Temporary Restraining Order (“Motion”), ECF No. 7, which this Court granted on April 18, 2025, to preserve the status quo until the Court could receive further briefing. ECF No. 8. The Court ordered Defendants to file any response to the TRO by the close of business, Friday, April 25, 2025.

While Plaintiff’s Motion includes a broad, non-specific request for relief,¹ his Complaint

¹ In his Motion, Plaintiff asks that the Court “protect the status quo and ensure that Plaintiff is able to continue pursuing his degree and supporting his family free from the government’s arbitrary and unconstitutional actions that have so abruptly upended Plaintiff’s law-abiding life and studies.” Motion, ECF No. 7, p. 13. In his Complaint, Plaintiff asks that the Court enter relief, including issuing a temporary restraining order, followed by a preliminary and permanent injunction, as to Defendants Noem and Lyons:

- 1) requiring them to restore Plaintiff’s valid F-1 student status in SEVIS;
- 2) requiring them to set aside the F-1 student status termination decision as to Plaintiff;
- 3) prohibiting them from terminating Plaintiff’s F-1 student status absent a valid ground as set forth in 8 C.F.R. § 214.1(d), and absent an adequate individualized pre-deprivation proceeding before an impartial adjudicator for Plaintiff, in which he will be entitled to review any adverse evidence and respond to such evidence

derives from the termination of his SEVIS record. *See* Compl., ECF No. 1, ¶¶ 6, 36, 46, 50; Pl.’s Mot. (ECF No.7), pp. 2, 5, 6 (referencing termination of Plaintiff’s SEVIS record as resulting in loss of his F-1 student status). On April 25, 2025, the government learned from Defendants and Counsel for Plaintiff that ICE had reactivated Plaintiff’s SEVIS status.²

As the record-keeping action of changing Plaintiff’s status from “terminated” to “active” has been taken, there is no longer a ripe controversy before this Court, and Defendants respectfully move the Court to suspend briefing and the hearing regarding the Motion currently set for May 2, 2025. Defendants’ Answer or Responsive Pleading is due June 20, 2025. If Plaintiff does not voluntarily dismiss the Complaint, Defendants would intend to move to dismiss the Complaint as moot.

Under Local Rule 7.02, prior to filing this Motion, counsel for Defendants conferred with counsel for Plaintiff. Counsel for Plaintiff object to the suspension of the briefing schedule absent a commensurate extension of the TRO.

prior to determining anew that Plaintiff’s F- 1 student status should be terminated.
Compl., ECF No. 1. p. 10.

Plaintiff also asks for a preliminary and permanent injunction prohibiting Defendants from arresting, detaining, or transferring Plaintiff out of this Court’s jurisdiction, and prohibiting Defendants from initiating removal proceedings against Plaintiff on the basis of the termination of his F-1 status. *Id.*

² Also on April 25, 2025, undersigned counsel learned that ICE is developing a policy that will provide a framework for SEVIS record terminations. Until such a policy is issued, the SEVIS records for the plaintiff (and other similarly situated plaintiffs) will remain Active or shall be re-activated if not currently active and ICE will not modify the record solely based on the NCIC finding that resulted in the recent SEVIS record termination. ICE still maintains the authority to terminate a SEVIS record for other reasons, such as if a student fails to maintain his or her nonimmigrant status after the record is reactivated or engages in other unlawful activity that would render him or her removable from the United States under the Immigration and Nationality Act.

Respectfully submitted,

BROOK B. ANDREWS
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