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April 25, 2024

Hon. Robert Kirsch, U.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *The GEO Group, Inc. v. Philip D. Murphy et al.*, No. 3:24-cv-4990-RK-TJB

Dear Judge Kirsch:

Pending before this Court is a lawsuit filed by The GEO Group, Inc. (“GEO”), challenging the constitutionality of N.J. Stat. Ann. § 30:4-8.16(b)(2). That provision sets forth that “a private detention facility operating in this State shall not enter into, renew, or extend any immigration detention agreement” as elsewhere defined in the statute. This Court has held that N.J. Stat. Ann. § 30:4-8.16(b)(2) violates intergovernmental immunity and is otherwise preempted by federal law as applied to a separate “private detention facility.” *See CoreCivic, Inc. v. Murphy*, No. 23-967, 2023 WL 5556025 (D.N.J. Aug. 29, 2023). Although the State has appealed that decision, and that appeal is pending in the Third Circuit, the Court’s injunction preventing enforcement of N.J. Stat. Ann. § 30:4-8.16(b)(2) against CoreCivic remains in effect. As the State has explained to counsel for GEO, for so long as this Court’s injunction preventing enforcement of N.J. Stat. Ann. § 30:4-8.16(b)(2) against CoreCivic is still in effect, the State will not be enforcing that provision against any private entity. Consistent with that representation, the parties jointly move for this Court to grant this consent order preliminarily enjoining Defendants from enforcing N.J. Stat. Ann. § 30:4-8.16(b)(2) against any private detention facility for such time as this Court’s injunction in the *CoreCivic* matter remains in effect.



Respectfully yours,

/s/ Jeremy M. Feigenbaum
Jeremy M. Feigenbaum
Solicitor General

CC: All counsel

2. **ORDERED** that within thirty days of the Third Circuit’s decision resolving the appeal in *CoreCivic, Inc. v. Governor of New Jersey*, 23-2598, the parties shall submit a joint letter informing the Court of their respective positions on whether that decision impacts this consent order; and it is further

3. **ORDERED** that this matter is otherwise ADMINISTRATIVELY STAYED pending further Order of this Court following the Third Circuit’s *CoreCivic* decision.

Date: _____, 2024

The Honorable Robert Kirsch
United States District Court Judge