

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LEAGUE OF WOMEN VOTERS, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*

Defendants.

Case No. 1:25-cv-03501

**PLAINTIFFS J. DOE 1, J. DOE 4, AND J. DOE 5'S
MOTION FOR CERTIFICATION OF PRELIMINARY RELIEF SUBCLASS**

Pursuant to Federal Rule of Civil Procedure 23 and Local Rule of Civil Procedure 23.1, Plaintiffs J. Doe 1, J. Doe 4, and J. Doe 5 (the Proposed Preliminary Relief Subclass Plaintiffs, or “PR Subclass Plaintiffs”), on behalf of themselves and all others similarly situated, respectfully move this Court by and through undersigned counsel for an order certifying the following subclass:

All naturalized citizens whose records within Social Security Administration databases do not accurately reflect their U.S. citizenship status, and who reside in jurisdictions using DHS’s overhauled SAVE system for activities relating to voter registration and voter roll maintenance (the “Proposed Preliminary Relief Subclass” or “PR Subclass”).¹

Plaintiffs further request that the Court appoint the PR Subclass Plaintiffs as class representatives and Democracy Forward Foundation, Citizens for Responsibility and Ethics in Washington, and

¹ The Complaint is filed on behalf of a broader class: all United States citizens and lawful permanent residents whose records containing their Personally Identifiable Information are contained in the Interagency Data Systems, whose PII originated from a federal agency other than DHS or its subcomponents, and who did not consent to that PII being shared with DHS. All members of this proposed subclass are members of the broader class. Plaintiffs will seek certification of the broader class within 90 days of filing their Complaint. *See* LCvR 23.1(b). This Motion only seeks certification for a narrower subclass facing immediate irreparable harm.

Fair Elections Center (collectively, “Counsel”) as class counsel.² Counsel for Plaintiffs conferred with counsel for Defendants prior to filing this motion, who represented that “Defendants are unable to take a position on Plaintiffs’ motion[] at this time, due to the lapse in appropriations. *See* 31 U.S.C. §§ 1341-42.”

For the reasons set forth in the PR Subclass Plaintiffs’ accompanying memorandum, these Plaintiffs seek certification of this class, if needed,³ to provide the relief sought in Plaintiffs’ Motion for Preliminary Relief (ECF No. 16) to all members of the proposed subclass.

Dated: October 7, 2025

Respectfully submitted,

² The Electronic Privacy Information Center is also counsel of record in this case, but not for all Plaintiffs and not for the class.

³ Plaintiffs’ Motion for Preliminary Relief, ECF No. 16, seeks a stay of USCIS’s final agency action (releasing an overhauled version of the SAVE system), pursuant to Section 705 of the Administrative Procedure Act, which authorizes relief that extends beyond the parties before the Court, *see, e.g., Cabrera v. U.S. Dep’t of Lab.*, No. 25-CV-1909 (DLF), --- F. Supp. 3d ---, 2025 WL 2092026, at *8 (D.D.C. July 25, 2025), without requiring the Court to certify this Subclass. However, in the alternative and to the extent that the Court concludes that certification of the Subclass is necessary to provide this requested relief—through, for example, a preliminary injunction—the PR Subclass Plaintiffs submit this Motion.

/s/ Johanna M. Hickman

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*application for *pro hac vice admission*
pending or forthcoming

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