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10 Attorneys for the United States

11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **WESTERN DIVISION**

14 UNITED STATES OF AMERICA,

15 Petitioner,

16 v.

17 SPACE EXPLORATION

18 TECHNOLOGIES CORP., d/b/a

19 SPACEEX,

20 Respondent.

No. 2:21-mc-00043

**UNITED STATES' NOTICE OF  
APPLICATION AND APPLICATION  
FOR ORDER TO COMPLY WITH  
ADMINISTRATIVE SUBPOENA**

[To Be Assigned]

United States District Judge

1 **NOTICE OF APPLICATION AND APPLICATION TO ENFORCE SUBOENA**

2 PLEASE TAKE NOTICE that Petitioner United States of America will, and  
3 hereby does, move this Court for an order requiring Respondent Space Exploration  
4 Technologies Corp., d/b/a SpaceX (“SpaceX”) to comply with Investigatory Subpoena  
5 Number 2021S00001 (“Subpoena”). The United States requests that the assigned  
6 district judge schedule a hearing to occur on or after February 25, 2021.

7 Petitioner respectfully applies to this Court to order SpaceX to comply with the  
8 Subpoena because the Subpoena is enforceable and not overbroad or unduly  
9 burdensome.

10 This Application is based on the Notice, Memorandum in Support attached  
11 hereto, and Declaration of Lisa R. Sandoval and the attached exhibits in support.

12 Under Local Rules 7-3 and 16-12(g) the parties need not meet and confer prior  
13 to the filing of this Application.

14 Dated: January 28, 2021

Respectfully submitted,

JENNIFER A. DEINES  
Acting Deputy Special Counsel  
C. SEBASTIAN ALOOT  
Special Litigation Counsel

18  
19 /s/ Lisa R. Sandoval  
LISA R. SANDOVAL  
SEJAL P. JHAVERI  
Trial Attorneys  
Attorneys for the United States



1 documents than are required to establish employment eligibility, or rejecting  
2 documents that reasonably appear genuine (commonly called “unfair  
3 documentary practices”) based on citizenship status or national origin, in  
4 violation of 8 U.S.C. § 1324b(a)(6).

- 5 7. On October 7, 2020, IER obtained the Subpoena from Administrative Law  
6 Judge Jean King of the United States Department of Justice, Executive Office  
7 for Immigration Review, Office of the Chief Administrative Hearing Officer  
8 (“OCAHO”), requiring SpaceX to produce to IER the documents described in  
9 Attachment A to the Subpoena by 3:00 p.m. EDT on October 22, 2020. IER  
10 served the Subpoena on SpaceX via FedEx on October 9, 2020, and SpaceX  
11 received the Subpoena on October 12, 2020.
- 12 8. On October 26, 2020, SpaceX filed a Petition to Modify or Revoke OCAHO  
13 Subpoena Duces Tecum pursuant to 28 C.F.R. § 65.25(e).
- 14 9. IER opposed the Petition to Modify or Revoke the Subpoena Duces Tecum on  
15 November 1, 2020.
- 16 10. On December 1, 2020, OCAHO issued an order denying SpaceX’s Petition to  
17 Modify or Revoke the Subpoena, requiring that SpaceX comply with the  
18 Subpoena within 14 days from the date of the Order, and authorizing IER to  
19 pursue enforcement of the Subpoena with the appropriate United States district  
20 court, if SpaceX failed to comply.
- 21 11. To date, SpaceX has refused to comply with the Subpoena.
- 22 12. The Declaration of Lisa R. Sandoval and the attached exhibits provide additional  
23 factual support for this Application. The exhibits are incorporated by reference  
24 into this Application.

25 WHEREFORE, the United States respectfully petitions this Court to:

- 26 1. Issue an Order directing SpaceX to comply with the Subpoena within 14 days of  
27 the Court’s Order; and

28 //

1 2. Grant such other relief, including appropriate costs, as this Court deems  
2 necessary and appropriate.

3  
4 Respectfully submitted,

5  
6 Dated: January 28, 2021

7 JENNIFER A. DEINES  
8 Acting Deputy Special Counsel

9 C. SEBASTIAN ALOOT  
10 Special Litigation Counsel

11 */s/ Lisa R. Sandoval*  
12 LISA R. SANDOVAL  
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