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Attorneys for City of Newport

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

STATE OF OREGON *et al.*,

Plaintiffs,

and

OREGON SHORES CONSERVATION
COALITION, *et al.*,

Intervenor-Plaintiffs,

v.

MARKWAYNE MULLIN, in his official
capacity as Secretary of Homeland Security,
et al.,

Defendants.

Case No. 6:26-cv-00186-AA (Lead Case)

Consolidated with:

City of Newport v. Noem, et al.

Case No. 6:25-cv-02396-AA (Trailing Case)

**JOINT STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and based on the stipulations below, the parties to this action stipulate to dismiss this consolidated action in its entirety, without prejudice, with each party to bear their own attorneys' fees and costs. The parties stipulate as follows:

1. Plaintiffs, the State of Oregon and City of Newport, and Plaintiff-Intervenors, Oregon Shores Conservation Coalition and Cascadia Wildlands, have brought suit against Defendants for the alleged plan to construct a temporary holding and processing facility located at the Newport Municipal Airport (AIRFAC Newport).

2. Defendants have represented that before December 4, 2025, a unit within Defendant Immigration and Customs Enforcement (ICE) conducted an initial assessment of ICE using AIRFAC Newport as a temporary holding and processing facility. *See* ECF No. 11-1 ¶ 3.

3. Defendants agree that as of the date of this stipulation, ICE is not currently planning to expand any current detention facilities or open any new long or short-term detention facilities in the State of Oregon.

4. Defendants agree that before August 1, 2027, if the Department of Homeland Security (DHS) decides to construct, develop, or operate a temporary or permanent facility in the City of Newport for the holding, detention, processing, or deportation of individuals arrested by, or in the custody of, agents acting on behalf of ICE or any other Defendants in Case Nos. 6:26-cv-186 and 6:25-cv-2396, then DHS will provide notice to the Plaintiffs no later than thirty (30) days before issuing either a final Environmental Assessment, Environmental Impact Statement, or determination of categorical exclusion as required by the National Environmental Policy Act ("NEPA") (collectively, the "Notice Provision").

5. The parties agree that the Notice Provision in no way replaces, narrows, or waives any existing public notice requirements mandated by federal law, including under the Coastal Zone Management Act and/or NEPA.

DATED this 23rd day of October, 2026.

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