

**U.S. District Court
Northern District of Texas (Amarillo)
CIVIL DOCKET FOR CASE #: 2:21-cv-00067-Z**

State of Texas et al v. Joseph R Biden et al
Assigned to: Judge Matthew J. Kacsmaryk
Case in other court: USCA5, 21-10806
Cause: 05:702 Administrative Procedure Act

Date Filed: 04/13/2021
Date Terminated: 08/13/2021
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedure Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

State of Texas

represented by **William Thomas Thompson**
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Plaintiff

State of Missouri

represented by **Dean John Sauer**
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V.

Defendant

Joseph R Biden, Jr
*in his official capacity as President of
the United States of America*

represented by **Erez Reuveni**
US Department of Justice Civil Division

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Defendant

United States of America

represented by **Erez Reuveni**
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Brian Walters Stoltz-DOJ
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Defendant

Alejandro Mayorkas
*in his official capacity as Secretary of
the United States Department of
Homeland Security*

represented by **Erez Reuveni**
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Joseph Anton Darrow

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Defendant

**United States Department of
Homeland Security**

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Defendant

Troy Miller
*in his official capacity as Acting
Commissioner of the United States
Customs and Border Protection*

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Joseph Anton Darrow
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Defendant

United States of America

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Defendant

Tae Johnson
in his official capacity as Acting
Director of the United States
Immigration and Customs Enforcement

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Joseph Anton Darrow
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Defendant

**United States Immigration and
Customs Enforcement**

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Defendant

Tracy Renaud

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Defendant

**United States Citizenship and
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Amicus

**Advocates for Victims of Illegal Alien
 Crime**

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Date Filed	#	Docket Text
04/13/2021	<u>1</u> R	COMPLAINT against All Defendants filed by State of Missouri, State of Texas. (Filing fee \$402; Receipt number 0539-11790322) Clerk to issue summons(es). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the Judges Copy Requirements and Judge Specific Requirements is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information - Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s) A - January 20, 2021 Memo, # <u>2</u> Exhibit(s) B - DHS and TX Agreement) (Thompson, William) (Entered: 04/13/2021)
04/13/2021	<u>2</u>	ADDITIONAL ATTACHMENTS to <u>1</u> R Complaint,,,,, by Plaintiffs

		State of Missouri, State of Texas. (Thompson, William) (Entered: 04/13/2021)
04/13/2021	3	New Case Notes: A filing fee has been paid. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Reno). Clerk to provide copy to plaintiff if not received electronically. (awc) (Entered: 04/13/2021)
04/13/2021	4	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by State of Missouri, State of Texas. (Thompson, William) (Entered: 04/13/2021)
04/13/2021	5	Summons issued as to Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America, U.S. Attorney, and U.S. Attorney General. (awc) (Entered: 04/13/2021)
04/19/2021	6	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number 0539-11812623) filed by State of Missouri (Attachments: # 1 Proposed Order Order for Admission Pro Hac Vice, # 2 Exhibit(s) Certificate of Good Standing)Attorney Dean John Sauer added to party State of Missouri(pty:pla) (Sauer, Dean) (Entered: 04/19/2021)
04/19/2021	7	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number 0539-11812749) filed by State of Missouri (Attachments: # 1 Proposed Order Order for Admission Pro Hac Vice, # 2 Exhibit(s) Certificate of Good Standing)Attorney Jesus A Osete added to party State of Missouri(pty:pla) (Osete, Jesus) (Entered: 04/19/2021)
05/03/2021	8	ORDER granting 6 Application for Admission Pro Hac Vice of D. John Sauer. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCrR 49.2(g). (Ordered by Judge Matthew J. Kacsmaryk on 5/3/2021) (awc) (Entered: 05/03/2021)
05/03/2021	9	ORDER granting 7 Application for Admission Pro Hac Vice of Jesus A. Osete. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCrR 49.2(g). (Ordered by Judge Matthew J. Kacsmaryk on 5/3/2021) (awc) (Entered: 05/03/2021)
05/03/2021	10	NOTICE of Attorney Appearance by Francesca Marie Genova on behalf of Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Filer confirms contact info in

		ECF is current.) (Genova, Francesca) (Entered: 05/03/2021)
05/03/2021	<u>11</u> R	MOTION to Transfer Case out of District/Division filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America with Brief/Memorandum in Support. (Genova, Francesca) (Entered: 05/03/2021)
05/03/2021	<u>12</u>	Appendix in Support filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re <u>11</u> R MOTION to Transfer Case out of District/Division (Genova, Francesca) (Entered: 05/03/2021)
05/03/2021	<u>13</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Genova, Francesca) (Entered: 05/03/2021)
05/04/2021	<u>14</u>	NOTICE of Attorney Appearance by Erez Reuveni on behalf of Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Filer confirms contact info in ECF is current.) (Reuveni, Erez) (Entered: 05/04/2021)
05/06/2021	<u>15</u>	NOTICE of Attorney Appearance by Walter Stephen Zimolong, III on behalf of Advocates for Victims of Illegal Alien Crime. (Filer confirms contact info in ECF is current.) (Zimolong, Walter) (Entered: 05/06/2021)
05/06/2021	<u>16</u>	SUMMONS Returned Executed as to Joseph R Biden, Jr ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>17</u>	SUMMONS Returned Executed as to United States Customs and Border Protection ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>18</u>	SUMMONS Returned Executed as to United States Department of Homeland Security ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>19</u>	SUMMONS Returned Executed as to United States Immigration and Customs Enforcement ; served on 4/22/2021. (Thompson, William)

		(Entered: 05/06/2021)
05/06/2021	<u>20</u>	SUMMONS Returned Executed as to Tae Johnson ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>21</u>	SUMMONS Returned Executed as to Alejandro Mayorkas ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>22</u>	SUMMONS Returned Executed as to Troy Miller ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>23</u>	SUMMONS Returned Executed as to Tracy Renaud ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>24</u>	SUMMONS Returned Executed as to United States of America ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/06/2021	<u>25</u>	SUMMONS Returned Executed as to United States Citizenship and Immigration Services ; served on 4/22/2021. (Thompson, William) (Entered: 05/06/2021)
05/07/2021	<u>26</u>	NOTICE of Attorney Appearance by Brian C Ward on behalf of Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Filer confirms contact info in ECF is current.) (Ward, Brian) (Entered: 05/07/2021)
05/07/2021	<u>27</u>	NOTICE of Attorney Appearance by Joseph Anton Darrow on behalf of Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Filer confirms contact info in ECF is current.) (Darrow, Joseph) (Entered: 05/07/2021)
05/07/2021	<u>28</u>	NOTICE of Attorney Appearance by Ryan Daniel Walters on behalf of State of Texas. (Filer confirms contact info in ECF is current.) (Walters, Ryan) (Entered: 05/07/2021)
05/14/2021	<u>29</u>	Unopposed MOTION for Leave to File Excess Pages filed by State of Missouri, State of Texas (Attachments: # <u>1</u> Proposed Order) (Thompson, William) (Entered: 05/14/2021)
05/14/2021	<u>30</u> R	MOTION for Preliminary Injunction filed by State of Missouri, State of Texas with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Thompson, William) Modified title on 5/17/2021 (awc). (Entered: 05/14/2021)
05/14/2021	<u>31</u>	Appendix in Support filed by State of Missouri, State of Texas re <u>30</u> R MOTION for Injunction (Attachments: # <u>1</u> Appendix in Support of Plaintiffs' Motion for Preliminary Injunction Vol. I, # <u>2</u> R Appendix in

		Support of Plaintiffs' Motion for Preliminary Injunction Vol. II) (Thompson, William) (Entered: 05/14/2021)
05/17/2021	<u>32</u>	ORDER: The parties are ORDERED to separately propose a briefing schedule with respect to Plaintiffs' Motion for Preliminary Injunction. ECF No. 30. This briefing shall address whether the Court should advance the trial on the merits and consolidate it with the preliminary injunction hearing. FED. R. CIV. P. 65(a)(2). The parties shall also address whether, and to what extent, expedited discovery is necessary. All briefs shall be filed on or before Thursday, May 20, 2021. re: <u>30</u> R MOTION for Preliminary Injunction (Ordered by Judge Matthew J. Kacsmaryk on 5/17/2021) (awc) (Entered: 05/17/2021)
05/17/2021	<u>33</u> R	MOTION to Stay <i>and Unopposed Motion to Expedite Briefing on Motion to Stay Proceedings</i> filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America with Brief/Memorandum in Support. (Genova, Francesca) (Entered: 05/17/2021)
05/18/2021	<u>34</u>	ORDER: The Court orders Plaintiffs to respond to the motion to stay by Monday, May 24th, 2021. Defendants shall file a reply by May 28th. The parties shall still submit the briefing required by this Court's previous order. See ECF No. 32. re: <u>33</u> R MOTION to Stay <i>and Unopposed Motion to Expedite Briefing on Motion to Stay Proceedings</i> (Ordered by Judge Matthew J. Kacsmaryk on 5/18/2021) (awc) (Entered: 05/18/2021)
05/20/2021	<u>35</u> R	NOTICE of <i>Plaintiffs' Proposed Briefing Schedule</i> re: <u>32</u> Order Setting Deadline/Hearing,, filed by State of Missouri, State of Texas (Thompson, William) (Entered: 05/20/2021)
05/20/2021	<u>36</u> R	NOTICE of <i>Defendants' Proposed Briefing Schedule</i> re: <u>32</u> Order Setting Deadline/Hearing,, filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America (Ward, Brian) (Entered: 05/20/2021)
05/21/2021	<u>37</u> R	ORDER: (SEE ORDER FOR SCHEDULE.) Plaintiffs' Unopposed Motion for Leave to Exceed Page Limits (ECF No. 29) is GRANTED. If necessary, the Court will amend this scheduling order dependent upon the Court's rulings on the pending Motions to stay and transfer the case. The Court will also issue an order, if necessary, scheduling a hearing on the Motion for Preliminary Injunction upon the receipt of all briefing required by this order. (Ordered by Judge Matthew J. Kacsmaryk on 5/21/2021) (awc) (Entered: 05/21/2021)

05/24/2021	<u>38</u>	RESPONSE filed by State of Missouri, State of Texas re: <u>11</u> R MOTION to Transfer Case out of District/Division (Attachments: # <u>1</u> Proposed Order) (Thompson, William) (Entered: 05/24/2021)
05/24/2021	<u>39</u>	Appendix in Support filed by State of Missouri, State of Texas re <u>38</u> Response/Objection to <i>Defendants' Motion to Transfer Venue</i> (Attachments: # <u>1</u> Exhibit(s)) (Thompson, William) (Entered: 05/24/2021)
05/24/2021	<u>40</u>	RESPONSE filed by State of Missouri, State of Texas re: <u>33</u> R MOTION to Stay <i>and Unopposed Motion to Expedite Briefing on Motion to Stay Proceedings</i> (Attachments: # <u>1</u> Proposed Order) (Thompson, William) (Entered: 05/24/2021)
05/27/2021	<u>41</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number 0539-11932000) filed by Immigration Reform Law Institute (Attachments: # <u>1</u> Certificate of Good Standing). Party Immigration Reform Law Institute added. Attorney Matt Austin Crapo added to party Immigration Reform Law Institute(pty:am) (Crapo, Matt) (Entered: 05/27/2021)
05/27/2021	<u>42</u> R	Unopposed MOTION for Leave to File Memorandum of Law as Amicus Curiae in support of Plaintiffs' Motion for Preliminary Injunction filed by Immigration Reform Law Institute (Attachments: # <u>1</u> R Memorandum of Law as Amicus Curiae, # <u>2</u> Proposed Order) (Crapo, Matt) (Entered: 05/27/2021)
05/28/2021	<u>43</u> R	REPLY filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>11</u> R MOTION to Transfer Case out of District/Division (Genova, Francesca) (Entered: 05/28/2021)
05/28/2021	<u>44</u>	REPLY filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>33</u> R MOTION to Stay <i>and Unopposed Motion to Expedite Briefing on Motion to Stay Proceedings</i> (Genova, Francesca) (Entered: 05/28/2021)
05/31/2021	<u>45</u> R	Administrative Record consisting of <i>DHS Administrative Record</i> filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Ward, Brian) (Entered: 05/31/2021)

06/02/2021	<u>46</u> R	ORDER: On June 1, 2021, the Department of Homeland Security published a memo titled "Termination of the Migrant Protection Protocols Program." In that memo, Secretary Mayorkas rescinded the January 20, 2021 memo titled "Suspension of Enrollment in the Migrant Protection Protocols Programs," which was the focus of this lawsuit. Accordingly, the parties are ORDERED to file a joint status update on the effect of the June 1 memo on the disposition of this case. If the parties cannot agree on the effect, they shall state their positions on how this case shall move forward in separate sections of the status update. The update is due Friday, June 4, 2021. No other previously scheduled deadlines are affected by this order. (Ordered by Judge Matthew J. Kacsmaryk on 6/2/2021) (awc) (Entered: 06/02/2021)
06/03/2021	<u>47</u> R	ORDER - Defendants' evidence, taken as a whole, does not establish that the convenience of the parties and witnesses will be enhanced by transferring this case. Accordingly, the Court DENIES Defendants' Motion to Transfer Venue (ECF No. 11). Defendants' Motion to Stay (ECF No. 33) is DENIED as MOOT. (Ordered by Judge Matthew J. Kacsmaryk on 6/3/2021) (vls) (Entered: 06/03/2021)
06/03/2021	<u>48</u> R	AMENDED COMPLAINT against All Defendants filed by State of Missouri, State of Texas. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Ex. A - January 20, 2021 DHS Memorandum, # <u>2</u> Ex. B - Agreement between U.S. Dept. of Homeland Security and State of Texas, # <u>3</u> Ex. C - June 1, 2021 DHS Memorandum) (Thompson, William) (Entered: 06/03/2021)
06/04/2021	<u>49</u>	NOTICE of Attorney Appearance by Brian Walters Stoltz-DOJ on behalf of Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Filer confirms contact info in ECF is current.) (Stoltz-DOJ, Brian) (Entered: 06/04/2021)
06/04/2021	<u>50</u>	Joint STATUS REPORT filed by State of Missouri, State of Texas. (Thompson, William) (Entered: 06/04/2021)
06/04/2021	<u>51</u> R	RESPONSE filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>30</u> R MOTION for Injunction (Ward, Brian) (Entered: 06/04/2021)

06/07/2021	52 R	ORDER: After reviewing the parties' positions regarding the mootness of Plaintiffs' Motion for Preliminary Injunction, the Court DENIES Plaintiffs' Motion as moot and enters a new scheduling order re: 30 R MOTION for Preliminary Injunction . (SEE ORDER FOR SCHEDULE SPECIFICS.) (Ordered by Judge Matthew J. Kacsmaryk on 6/7/2021) (awc) (Entered: 06/07/2021)
06/08/2021	53 R	MOTION for Injunction <i>Preliminary</i> filed by State of Missouri, State of Texas (Attachments: # 1 Proposed Order) (Thompson, William) (Entered: 06/08/2021)
06/08/2021	54 R	Appendix in Support filed by State of Missouri, State of Texas re 53 R MOTION for Injunction <i>Preliminary</i> (Attachments: # 1 Exhibit(s), # 2 Exhibit(s)) (Thompson, William) (Entered: 06/08/2021)
06/14/2021	55	MOTION for Leave to File amicus brief in support of preliminary injunction filed by Advocates for Victims of Illegal Alien Crime (Attachments: # 1 Exhibit(s) proposed amicus brief, # 2 Proposed Order) (Zimolong, Walter) (Entered: 06/14/2021)
06/16/2021	56	Unopposed Motion for Extension of Time to File Answer to <i>Amended Complaint</i> filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America with Brief/Memorandum in Support. (Genova, Francesca) (Entered: 06/16/2021)
06/16/2021	57	ORDER granting 41 Application for Admission Pro Hac Vice of Matt A. Crapo. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCrR 49.2(g). (Ordered by Judge Matthew J. Kacsmaryk on 6/16/2021) (awc) (Entered: 06/16/2021)
06/16/2021	58	ORDER granting 42 R Unopposed MOTION for Leave to File Memorandum of Law as Amicus Curiae in support of Plaintiffs' Motion for Preliminary Injunction. (Unless the document has already been filed, clerk to enter the document as of the date of this order.) (Ordered by Judge Matthew J. Kacsmaryk on 6/16/2021) (awc) (Entered: 06/16/2021)
06/16/2021	59 R	Brief/Memorandum in Support filed by Immigration Reform Law Institute as amicus curiae re 53 R MOTION for Injunction <i>Preliminary</i> . (awc) (Entered: 06/16/2021)
06/18/2021	60	ORDER granting 56 Motion for Extension of Time to File Answer re 48 R Amended Complaint. Accordingly, Defendants' answer or response to Plaintiffs' Amended Complaint is due 30 days after the Court rules on

		the Plaintiffs' pending Motion for Preliminary Injunction (ECF No. 53). This Order shall not be construed to prejudice Plaintiffs regarding collateral issues such as the availability of discovery or consolidation under Rule 65. (Ordered by Judge Matthew J. Kacsmaryk on 6/18/2021) (awc) (Entered: 06/18/2021)
06/22/2021	61	Administrative Record consisting of Record for June 1 Memorandum filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Ward, Brian) (Entered: 06/22/2021)
06/25/2021	62	MOTION to Strike 54 R Appendix in Support <i>and Extra Record Evidence in Support of Plaintiffs' Motion for Preliminary Injunction</i> filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America with Brief/Memorandum in Support. (Attachments: # 1 Proposed Order) (Darrow, Joseph) (Entered: 06/25/2021)
06/25/2021	63 R	RESPONSE filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: 53 R MOTION for Injunction <i>Preliminary</i> (Ward, Brian) (Entered: 06/25/2021)
06/25/2021	64	Appendix in Support filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re 63 R Response/Objection, (Ward, Brian) (Entered: 06/25/2021)
06/28/2021	65 R	Joint STATUS REPORT <i>Joint Statement Regarding Discovery and Consolidation under FRCP 65(a)(2)</i> filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. (Darrow, Joseph) (Entered: 06/28/2021)
06/29/2021	66 R	ORDER: The Court hereby NOTIFIES the parties that the Court will

		consolidate the preliminary injunction with trial on the merits under Rule 65. To allow the parties to fully develop their case, the parties shall file supplemental briefs no longer than 15 pages. Defendants' brief is due on July 7. Plaintiffs' brief is due on July 9. Furthermore, the parties are ORDERED to file a joint statement regarding the hearing itself. This statement shall address: (1) the anticipated length of time; (2) the format of presentation; (3) proposed dates for the hearing (4) the anticipated disputed questions of law; (5) and the anticipated disputed questions of fact. The joint statement shall be filed by July 2. The Court will issue an order scheduling a hearing upon the receipt of the briefing required by this order. (SEE ORDER FOR FURTHER SPECIFICS.) (Ordered by Judge Matthew J. Kacsmaryk on 6/29/2021) (awc) (Entered: 06/29/2021)
06/30/2021	<u>67</u> R	REPLY filed by State of Missouri, State of Texas re: <u>53</u> R MOTION for Injunction <i>Preliminary</i> (Thompson, William) (Entered: 06/30/2021)
07/02/2021	<u>68</u> R	REPLY filed by State of Missouri, State of Texas re: <u>66</u> R Order Setting Deadline/Hearing,,, (Thompson, William) (Entered: 07/02/2021)
07/06/2021	<u>69</u> R	ORDER: After receiving the parties' joint statement (ECF No. 68), the Court sets this case for a consolidated Rule 65 hearing to begin on Thursday, July 22, 2021 at 10:00am. To accommodate this date, the Court sets an expedited briefing schedule for Defendants' pending Motion to Strike (ECF No. 62). Plaintiffs' Response is due Friday, July 9. Defendants' Reply is due Friday, July 16. The Court anticipates ruling on the pending Motion before the July 22 hearing. The Court will not permit attorneys to appear virtually. (See order for further specifics.) (Ordered by Judge Matthew J. Kacsmaryk on 7/6/2021) (awc) (Entered: 07/06/2021)
07/07/2021	<u>70</u> R	Supplemental Document by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America as to <u>66</u> R Order Setting Deadline/Hearing,,, <i>Supplemental Brief Addressing Matters Related to Consolidation under Rule 65(a)(2)</i> . (Darrow, Joseph) (Entered: 07/07/2021)
07/09/2021	<u>71</u>	Supplemental Document by State of Missouri, State of Texas as to <u>66</u> R Order Setting Deadline/Hearing,,, <i>Plaintiffs' Supplemental Brief</i> . (Thompson, William) (Entered: 07/09/2021)
07/09/2021	<u>72</u> R	RESPONSE AND OBJECTION filed by State of Missouri, State of Texas re: <u>62</u> MOTION to Strike <u>54</u> R Appendix in Support <i>and Extra Record Evidence in Support of Plaintiffs' Motion for Preliminary Injunction</i> (Thompson, William) (Entered: 07/09/2021)

07/09/2021	<u>73</u>	MOTION to Introduce Extra-Record Evidence re <u>72</u> <u>R</u> Response/Objection, <u>62</u> MOTION to Strike <u>54</u> <u>R</u> Appendix in Support <i>and Extra Record Evidence in Support of Plaintiffs' Motion for Preliminary Injunction</i> filed by State of Missouri, State of Texas with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Thompson, William) (Entered: 07/09/2021)
07/16/2021	<u>74</u>	REPLY filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>62</u> MOTION to Strike <u>54</u> <u>R</u> Appendix in Support <i>and Extra Record Evidence in Support of Plaintiffs' Motion for Preliminary Injunction</i> (Darrow, Joseph) (Entered: 07/16/2021)
07/16/2021	<u>75</u>	RESPONSE filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>73</u> MOTION to Introduce Extra-Record Evidence re <u>72</u> <u>R</u> Response/Objection, <u>62</u> MOTION to Strike <u>54</u> <u>R</u> Appendix in Support <i>and Extra Record Evidence in Support of Plaintiffs' Motion for Preliminary Injunction</i> (Darrow, Joseph) (Entered: 07/16/2021)
07/19/2021	<u>76</u> <u>R</u>	ORDER: Before the Court is Defendants' Motion to Strike Plaintiff's Extra Record Material (ECF No. 62). After considering the Response, Reply, and the applicable law, the Court DENIES the Motion. Plaintiffs' related Motion to Introduce Extra-Record Evidence (ECF No. 73) is GRANTED. (See order for further specifics.) (Ordered by Judge Matthew J. Kacsmaryk on 7/19/2021) (awc) (Entered: 07/19/2021)
07/19/2021	<u>77</u>	NOTICE of <i>Supplemental Authority</i> filed by State of Missouri, State of Texas (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Thompson, William) (Entered: 07/19/2021)
07/20/2021	<u>78</u>	NOTICE of <i>Filing Corrected Administrative Record Certification, Index, and Record Document</i> re: <u>61</u> Administrative Record, filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America (Attachments: # <u>1</u> <u>R</u> Exhibit(s) Corrected Certification and Index for Administrative Record, # <u>2</u> <u>R</u> Exhibit(s) Record Document - "Assessment of the Migrant Protection Protocols (MPP)", # <u>3</u> Exhibit(s) Declaration of Juliana Blackwell) (Darrow, Joseph) (Entered: 07/20/2021)

07/21/2021	<u>79</u>	RESPONSE filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>77</u> Notice (Other) (Darrow, Joseph) (Entered: 07/21/2021)
07/21/2021	<u>80</u>	MOTION to Exclude Evidence or, in the alternative, Require Production of Witnesses for Live Testimony re <u>78</u> Notice (Other),, filed by State of Missouri, State of Texas (Attachments: # <u>1</u> Proposed Order) (Walters, Ryan) (Entered: 07/21/2021)
07/21/2021	<u>81</u> R	ORDER: Defendants are ORDERED to file a responsive brief by today, July 21, 2021 at 5:00pm (CT). re: <u>80</u> MOTION to Exclude Evidence or, in the alternative, Require Production of Witnesses for Live Testimony re <u>78</u> Notice. (Ordered by Judge Matthew J. Kacsmayrk on 7/21/2021) (awc) (Entered: 07/21/2021)
07/21/2021	<u>82</u>	RESPONSE AND OBJECTION filed by Joseph R Biden, Jr, Immigration Reform Law Institute, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>80</u> MOTION to Exclude Evidence or, in the alternative, Require Production of Witnesses for Live Testimony re <u>78</u> Notice (Other),, (Darrow, Joseph) (Entered: 07/21/2021)
07/21/2021	<u>83</u>	RESPONSE AND OBJECTION filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re: <u>80</u> MOTION to Exclude Evidence or, in the alternative, Require Production of Witnesses for Live Testimony re <u>78</u> Notice (Other),, (Darrow, Joseph) (Entered: 07/21/2021)
07/21/2021	<u>84</u>	MOTION leave to correct the administrative record re <u>78</u> Notice (Other),, <u>45</u> R Administrative Record, filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America with Brief/Memorandum in Support. (Darrow, Joseph) (Entered: 07/21/2021)
07/21/2021	<u>85</u> R	ORDER - Plaintiffs' Motion is DENIED re: <u>80</u> MOTION to Exclude Evidence or, in the alternative, Require Production of Witnesses for Live Testimony, and Defendants Motion is GRANTED re: <u>84</u> MOTION leave to correct the administrative record. (Ordered by Judge Matthew J.

		Kacsmark on 7/21/2021) (vls) (Entered: 07/21/2021)
07/22/2021	<u>86</u>	ORDER: On this date, the Court held a consolidated hearing on Plaintiffs' Motion for Preliminary Injunction and a trial on the merits. The parties are ORDERED to file proposed findings of fact and conclusions of law by 5:00pm, Tuesday, July 27, 2021. In addition, the parties shall file briefs regarding the appropriate relief for Plaintiffs if the Court determines they should prevail on any of their claims. These briefs are due at the same time as the proposed findings of fact and conclusions of law. (Ordered by Judge Matthew J. Kacsmark on 7/22/2021) (awc) (Entered: 07/22/2021)
07/22/2021	89	ELECTRONIC Minute Entry for proceedings held before Judge Matthew J. Kacsmark: Bench Trial completed on 7/22/2021. Written Order to follow. Attorney Appearances: Plaintiff - William Thomas Thompson/Jesus A Osete; Defense - Brian C Ward/Joseph Anton Darrow. (Court Reporter: Stacy Morrison) (No exhibits) Time in Court - 4:16. (vls) (Entered: 07/27/2021)
07/23/2021	<u>87</u>	MOTION to Withdraw as Attorney by <i>Francesca Genova</i> filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America (Genova, Francesca) (Entered: 07/23/2021)
07/27/2021	<u>88</u> R	ORDER granting <u>87</u> Motion to Withdraw as Attorney. Attorney Francesca Marie Genova terminated. (Ordered by Judge Matthew J. Kacsmark on 7/27/2021) (awc) (Entered: 07/27/2021)
07/27/2021	<u>90</u> R	SUPPLEMENTAL Brief/Memorandum in Support filed by State of Missouri, State of Texas re <u>86</u> Order Setting Deadline/Hearing,, (Thompson, William) Modified title on 7/28/2021 (daa). (Entered: 07/27/2021)
07/27/2021	<u>91</u>	NOTICE of <i>Plaintiffs' Proposed Findings of Fact and Conclusions of Law</i> re: <u>86</u> Order Setting Deadline/Hearing,, filed by State of Missouri, State of Texas (Thompson, William) (Entered: 07/27/2021)
07/27/2021	<u>92</u>	NOTICE of <i>Defendants' Proposed Findings of Fact and Conclusions of Law</i> re: <u>86</u> Order Setting Deadline/Hearing,, filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America (Darrow, Joseph) (Entered: 07/27/2021)
07/27/2021	<u>93</u>	SUPPLEMENTAL Brief/Memorandum in Support filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States

		Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America re 86 Order Setting Deadline/Hearing,, <i>Defendant's Supplemental Brief on Appropriate Remedy</i> (Darrow, Joseph) Modified title on 7/28/2021 (daa). (Entered: 07/27/2021)
08/13/2021	94 R	Memorandum Opinion and Order (Ordered by Judge Matthew J. Kacsmaryk on 8/13/2021) (vls) (Entered: 08/13/2021)
08/13/2021	95 R	JUDGMENT - On an equal date herewith, the Court entered findings of facts and conclusions of law in accordance with Fed. R. Civ. P. 52. The Court found Plaintiffs' APA and statutory claims meritorious while declining to rule on Plaintiffs' other claims. Accordingly, the Court VACATED and REMANDED the June 1 Memorandum and entered a PERMANENT INJUNCTION against Defendants. (Ordered by Judge Matthew J. Kacsmaryk on 8/13/2021) (vls) (Entered: 08/13/2021)
08/16/2021	96 R	NOTICE OF APPEAL as to 95 R Judgment, 94 R Memorandum Opinion and Order to the Fifth Circuit by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement, United States of America. T.O. form to appellant electronically at Transcript Order Form or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions here . (Exception: This requirement does not apply to a pro se prisoner litigant.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Darrow, Joseph) (Entered: 08/16/2021)
08/16/2021	97	USCA Case Number 21-10806 in USCA5 for 96 R Notice of Appeal filed by Joseph R Biden, Jr, Tracy Renaud, United States Customs and Border Protection, Alejandro Mayorkas, United States of America, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, Tae Johnson, Troy Miller, United States Department of Homeland Security. (awc) (Entered: 08/16/2021)
08/16/2021	98 R	Emergency MOTION to Stay re 95 R Judgment, 94 R Memorandum Opinion and Order <i>Emergency Motion to Stay Court's Order Pending Appeal</i> filed by Joseph R Biden, Jr, Tae Johnson, Alejandro Mayorkas, Troy Miller, Tracy Renaud, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and

		Customs Enforcement, United States of America with Brief/Memorandum in Support. (Attachments: # 1 R Exhibit(s) A - Declaration of David Shahoulian, # 2 R Exhibit(s) B - Declaration of Daniel Weiss, # 3 R Exhibit(s) C- Declaration of Ricardo Zuniga, # 4 Proposed Order) (Darrow, Joseph) (Entered: 08/16/2021)
08/17/2021	99 R	RESPONSE filed by State of Missouri, State of Texas re: 98 R Emergency MOTION to Stay re 95 R Judgment, 94 R Memorandum Opinion and Order <i>Emergency Motion to Stay Court's Order Pending Appeal</i> (Thompson, William) (Entered: 08/17/2021)
08/17/2021	100 R	Defendants' Emergency Motion to Stay Court's Order Pending Appeal (ECF No. 98) is DENIED. See FED. R. APP. P. 8(a)(1). re: 98 R Motion to Stay (Ordered by Judge Matthew J. Kacsmaryk on 8/17/2021) (awc) (Entered: 08/17/2021)
08/18/2021	101	ORDER of USCA as to 96 R Notice of Appeal filed by Joseph R Biden, Jr, Tracy Renaud, United States Customs and Border Protection, Alejandro Mayorkas, United States of America, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, Tae Johnson, Troy Miller, United States Department of Homeland Security. IT IS ORDERED that the motion of the American Civil Liberties Union and American Civil Liberties Union of Texas, for leave to file an amicus brief in support of the motion to stay is GRANTED. IT IS FURTHER ORDERED that the motion of the American Immigration Council, American Immigration Lawyers Association, Catholic Legal Immigration Network, Incorporated, Center for Gender & Refugee Studies, Human Rights First, Justice Action Center, National Immigration Law Center, Round Table of Former Immigration Judges, and Southern Poverty Law Center, for leave to file an amicus brief in support of the motion for stay is GRANTED. (Attachments: # 1 USCA5 cover letter) (awc) (Entered: 08/18/2021)
08/19/2021	102	Opinion of USCA re 96 R Notice of Appeal. The Government has failed to make the requisite showing for all four Nken factors. The Government's motion for a stay pending appeal is therefore DENIED. The Government's appeal is hereby EXPEDITED for consideration before the next available oral argument panel. (Attachments: # 1 USCA5 cover letter) (awc) (Entered: 08/20/2021)
08/20/2021	103	Notice of Filing of Official Electronic Transcript of Consolidated Hearing on Plaintiffs' Motion for Preliminary Injunction and Trial on the Merits held on 7/22/2021 before Judge Matthew J. Kacsmaryk. Court Reporter Stacy Morrison, Telephone number 806-672-6219. Parties are notified of their duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office. If the transcript contains personal identifiers that must be redacted under MO 61, Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1, or if the transcript contains the

		name of a minor child victim or a minor child witness that must be redacted under 18 U.S.C. § 3509, file a Redaction Request - Transcript within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (195 pages) Redaction Request due 9/10/2021. Redacted Transcript Deadline set for 9/20/2021. Release of Transcript Restriction set for 11/18/2021. (smm) (Entered: 08/20/2021)
08/23/2021	104	Record on Appeal for USCA5 21-10806 (related to 96R appeal): Record consisting of: 1 ECF electronic record on appeal (eROA) is CERTIFIED, 1 Volume(s) electronic transcript. PLEASE NOTE THE FOLLOWING: Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by contacting the appeals deputy in advance to arrange delivery. (awc) (Entered: 08/23/2021)

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