## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS EL PASO DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  v.  THE STATE OF TEXAS and GREG ABBOTT, in his official capacity as Governor of the State of Texas,  Defendants.	<pre> \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$</pre>
ANNUNCIATION HOUSE; ANGRY TIAS & ABUELAS OF THE RIO GRANDE VALLEY; JENNIFER HARBURY; and FIEL HOUSTON,  Plaintiffs,  v.  GREG ABBOTT, in his official capacity as Governor of the State of Texas; and STEVEN MCCRAW, in his official capacity as Director of the State of Texas Department of Public Safety,  Defendants.	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$

## **ORDER**

On this day, the Court considered the case. On October 27, 2023, the case was remanded to this Court by the U.S. Court of Appeals for the Fifth Circuit "with instructions to dismiss the [private] plaintiffs' suit against the Governor." Judgment/Mandate, at slip op. 13, ECF No. 93; *United States v. Abbott*, 85 F.4th 328, 338 (5th Cir. 2023). On appeal, the Fifth Circuit only

analyzed whether the private Plaintiffs in case 3:21-CV-178 were authorized under *Ex Parte Young*, 209 U.S. 123 (1908), to bring this lawsuit against Defendant Governor Abbott. *See Abbott*, 85 F.4th at 333. The Fifth Circuit concluded that *Ex Parte Young* did not allow the private Plaintiffs to sue Governor Abbott and therefore sovereign immunity barred their lawsuit against him. *Id.* at 338.

Accordingly, the Court **ORDERS** that all claims against Defendant Governor Greg Abbott in case 3:21-CV-178 are **DISMISSED** with prejudice. The private Plaintiffs' claims against Defendant Steven McCraw, as well as all claims brought by the United States in case 3:21-CV-173, remain pending.

IT IS FURTHER ORDERED that the stay of these proceedings, entered on March 21, 2022, is VACATED. *See* Mar. 21, 2022, Order, ECF No. 89.

IT IS FURTHER ORDERED that the parties meet, confer, and submit a joint report of parties' planning meeting as specified in the Court's Standing Order on Pretrial Deadlines <u>no</u>

later than January 26, 2024.

SO ORDERED.

SIGNED this 20th day of December, 2023.

KATHAN CARDONE UNITED STATES DISTRICT JUDGE