

(ORDER LIST: 597 U.S.)

THURSDAY, JULY 21, 2022

CERTIORARI GRANTED

22-58 UNITED STATES, ET AL. V. TEXAS, ET AL.
(22A17)

The application for stay presented to Justice Alito and by him referred to the Court is denied. The Solicitor General suggested that the Court may want to construe the application as a petition for certiorari before judgment. Doing so, the petition is granted. The parties are directed to brief and argue the following questions: 1. Whether the state plaintiffs have Article III standing to challenge the Department of Homeland Security’s Guidelines for the Enforcement of Civil Immigration Law; 2. Whether the Guidelines are contrary to 8 U.S.C. §1226(c) or 8 U.S.C. §1231(a), or otherwise violate the Administrative Procedure Act; and 3. Whether 8 U.S.C. §1252(f)(1) prevents the entry of an order to “hold unlawful and set aside” the Guidelines under 5 U.S.C. §706(2).

The case will be set for argument in the first week of the December 2022 argument session.

Justice Sotomayor, Justice Kagan, Justice Barrett, and Justice Jackson would grant the application for stay.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
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July 28, 2022

Mr. Nathan Ochsner
Southern District of Texas, Victoria
United States District Court
312 S. Main Street
Room 406
Victoria, TX 77901-0000

No. 22-40367 State of Texas v. USA
USDC No. 6:21-CV-16

Dear Mr. Ochsner,

Enclosed is a copy of the Supreme Court order granting certiorari.

Sincerely,

LYLE W. CAYCE, Clerk

By: 
Stacy Carpenter Vial, Deputy Clerk