No. 19-1212

In the Supreme Court of the United States

ALEJANDRO N. MAYORKAS, SECRETARY OF HOMELAND SECURITY ET AL., PETITIONERS

v.

INNOVATION LAW LAB, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOTION TO INTERVENE AS PETITIONERS BY THE STATES OF TEXAS, MISSOURI, AND ARIZONA

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INTRODUCTION

Texas, Missouri, and Arizona (the "Intervening States") have filed two separate lawsuits in the Northern District of Texas and the District of Arizona challenging the current Administration's first-day suspension of the prior Administration's Migrant Protection Protocols ("MPP"). On Friday, May 14, 2021, Texas and Missouri filed a motion for a preliminary injunction in the Northern District of Texas to *require* the new administration to implement the MPP. In this case, by contrast, Respondents are seeking an order that would *prohibit* the administration from implementing the MPP. Because the Department of Justice is no longer defending the MPP in this case, the Intervening States face the risk of conflicting relief in this case and in the cases they are prosecuting in federal district court. Moreover, based on their current litigation, they have a strong interest in seeing the legality of the MPP vindicated. Thus, the Intervening States respectfully seek leave to intervene in this case and resume the prior administration's defense of the legality of MPP.

The Intervening States further seek to intervene in this Court to prevent a repeat performance of *Department of Homeland Security* v. *New York*, 140 S. Ct. 599 (2020). There, the United States collusively stipulated to dismiss one lawsuit challenging the public-charge rule. As a consequence, the aligned litigants there insisted the dismissal effectively amended the Federal Register and mooted this Court's review.[1] The United States further insisted that there was nothing that States could do

[1] Inadmissibility on Public Charge Grounds, 86 Fed. Reg. 14221 (Mar. 15, 2021).

about it precisely because they had not sought to intervene before the United States formally switched sides. Taking the United States at its word, the States seek to intervene in this matter and to protect their interest both in enforcement of the Migrant Protection Protocols ("MPP") and their ability to vindicate those interests in ongoing litigation in the lower courts. *See* Compl., *Texas* v. *Biden*, No. 2:21-CV-00067-Z (N.D. Tex. Apr. 13, 2021), ECF No. 1 (Tex.-Mo. Compl.); Mot. for Prelim. Inj., *id.*, ECF No. 30 (filed May 14, 2021) (Tex.-Mo. PI Mot.); Compl., *Arizona* v. *Mayorkas*, No. 2:21-cv-00617 (D. Ariz. Apr. 11, 2021), ECF No. 1 (Ariz. Compl.).

Last October, this Court granted a writ of certiorari to determine whether the MPP is a lawful implementation of 8 U.S.C. § 1225(b)(2)(C) and consistent with nonrefoulement obligations. *Mayorkas v. Innovation L. Lab.*, 141 S. Ct. 617 (2020). As in the various public-charge rule cases, this Court had previously stayed an order from the Northern District of California that would have enjoined enforcement of the MPP nationwide. *Mayorkas v. Innovation L. Lab et al.*, 140 S. Ct. 1564 (2020). In granting a stay, this Court necessarily concluded that the district court's decision was erroneous. *Conkright v. Frommert*, 556 U.S. 1401, 1402 (2009) (Ginsburg, J., in chambers).

Nonetheless, after the change in Administration, and acting contrary to law, the Acting DHS Secretary purported to suspend the MPP.[2] The United States subsequently moved to hold this case in abeyance. *See* Mot. of

[2] *See* Tex.-Mo. Compl. Ex. A, *supra* (Mem. from David Pekoske, Acting Sec'y to Troy Miller, Senior Official

Pet'rs to Hold the Briefing Schedule in Abeyance and to Remove the Case from the February 2021 Argument Calendar, *Mayorkas v. Innovation L. Lab*, No. 19-1212 (U.S. Feb. 1, 2021) ("*Mayorkas* Mot."). The results have been as predictable as they are disturbing: an explosion of human trafficking, organized crime, violence, extortion, unaccompanied minors jammed into facilities that cannot accommodate them, children abandoned in the desert, rape and sexual assault of migrants (including children), and other atrocities.

Still, the United States has shown little interest in vigorously defending the MPP either before this Court or anywhere else. And, if past is prologue, it may seek to dismiss this matter pursuant to Rule 46.1 at any time—thus reviving the district court's nationwide injunction against the MPP even though this Court has decided that injunction is unlikely to survive appellate review. Indeed, such an outcome is likely as this Administration has already "reverse[d] the government's position in more cases before [this Court] than the Justice Department did during the first full high court term of Donald Trump's Presidency." Kimberly Strawbridge Robinson, *Biden on Pace to Flip Positions at Supreme Court More than Trump*, BLOOMBERG LAW (Mar. 18, 2021), https://tinyurl.com/jt4u5cpa.

The Intervening States have a substantial interest in this litigation: As the primary defenders of their citizens' health and safety, they bear the brunt of responding to the social ills arising from the Administration's abandonment of the MPP. And so they have filed suit against

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Performing the Duties of the Comm'r U.S. CBP, & Tae Johnson, Acting Director ICE (Jan. 20, 2021)).

President Biden, senior DHS officials, and the United States challenging that suspension. *See* Tex.-Mo. Compl., *supra*; Ariz. Compl., *supra*. Because those suits contend that the federal government must continue to implement the MPP, a collusive dismissal here—reinstating a nationwide injunction against the MPP—or an adverse ruling on the merits from this Court would seriously impair the States' ability to obtain relief. Further, the Intervening States' motion to intervene is timely, and will not prejudice the current parties. This Court should allow Texas, Missouri, and Arizona to intervene.

STATEMENT

A. There is a crisis on the country's southern border. Earlier this year, the Border Patrol reported that "the number of migrants apprehended at the border in the month of January reached nearly 78,000, up from 36,679 in January 2020." Emily Jacobs, *Biden Administration Opens Another Tent City to Detain Surge of Illegal Migrants*, N.Y. POST (Feb. 11, 2021), https://bit.ly/3uFhB3c. In February, that number was 96,974. John Gramlich, *Migrant Apprehensions at U.S.-Mexico Border Are Surging Again*, PEW RESEARCH CTR.: FACTANK (Mar. 15, 2021), https://pewrsr.ch/3fXBIp1.

Many of those migrants are children because, "as in previous years, migrants are being told to bring along children to make it easier to apply for asylum." Dave Graham, *Exclusive: 'Migrant President' Biden Stirs Mexican Angst Over Boom Time for Gangs*, REUTERS (Mar. 10, 2021), https://reut.rs/3uHESS3. Thus, "[a]pprehensions of people traveling in families rose from 7,064 to 18,945, or 168%, between January and February, while apprehensions of unaccompanied minors

rose from 5,694 to 9,297, or 63%." Gramlich, *supra.* And in March, Border Patrol apprehended 172,331 migrants, of which 52,904 were members of a family unit and 18,990 were unaccompanied minors. Nick Miroff, *Biden Administration Spending $60 Million Per Week to Shelter Unaccompanied Minors*, Wash Post. (Apr. 8, 2021), https://wapo.st/31XYDIA. That surge—especially in unaccompanied minors—has overwhelmed the system. *See, e.g.*, *id.* It has required the opening of ten temporary shelters with over 15,000 beds—many of them in Texas. *Id.*

The surge also exposes those children to predation during their travel to the border and once in the United States. *See* Letter from Gov. Greg Abbott to Vice President Kamala Harris (Apr. 9, 2021), https://bit.ly/3t7e2SK. Drug cartels "are using helpless children as decoys to smuggle their members into the US." Gabrielle Fonrouge, *Mexican Drug Cartels Using Kids as Decoys to Smuggle Its Members into US: Sheriff*, N.Y. POST (Mar. 22, 2021), https://bit.ly/39XTjJG. They "split[] up kids from their wannabe immigrant parents" so that "members [can] pose as the children's relatives to cross the border . . . ." *Id.* The cartels are also "jacking up their fees to smuggle the growing flood of people into the country," allowing them to "'mak[e] more money on humans than they are on the drug side' . . . ." *Id.* (quoting the Hidalgo County Sheriff J.E. Guerra). Because those migrants are—almost by definition—poor, human smuggling all too often turns into human trafficking, particularly sex trafficking. *See id.*; Brianna Chavez, *El Paso's Former U.S. Marshal Says Mexican Cartels 'Make Money' from Migrant Influx*, KVIA (Mar. 18, 2021), https://bit.ly/3d5ZRI6.

B. And those issues do not remain on the border. Many migrants make the risky trek because they perceive that, even if apprehended, they are likely to be released into the interior pending an adjudication of their asylum claims—if any. And they're right. In fiscal year 2018, 97,192 aliens in expedited removal were referred for a credible-fear interview. *See* Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations, 83 Fed. Reg. 55,934, 55,948 (Nov. 9, 2018). This represents a sharp spike from 5,000 aliens in fiscal year 2008, and nearly two-thirds of those aliens were from the same countries as the aliens currently flooding the southern border. *Id.* at 55,945.

Yet among those who claimed a fear of return and were referred for further removal proceedings, an asylum application was either not filed or the alien failed to appear at a hearing nearly half the time. *Id.* at 55,946. Asylum was granted in less than ten percent of cases. *Id.* In nearly forty percent of cases, the alien did not even apply for asylum. *Id.*

Though the federal government is charged with administering the immigration system, States must bear the cost of its failure. For example, Missouri is a destination or transit state for many human traffickers, mainly due to the State's substantial transportation infrastructure and major population centers. The Attorney General of Missouri created a Human Trafficking Task Force designed and structured to identify, respond to, investigate, and ultimately eradicate human trafficking in Missouri. *See Human Trafficking Task Force*, Off. of the Mo. Att'y Gen., https://bit.ly/3eOAHPi. In recent years, Missouri has seen an increase in the number of trafficked foreign nationals. *See Missouri*, Nat'l Human Trafficking Hotline, https://tinyurl.com/4zx7wkrc. This

number continues to increase as human trafficking across the border explodes in frequency.

C. The Trump Administration had to address a similar crisis in 2018. Then, like now, hundreds of thousands of migrants from Central America illegally attempted to cross the southern border from Mexico. *See*, *e.g.*, Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations, 83 Fed. Reg. at 55,944–45. In the fall of 2018, U.S. officials encountered "approximately 2,000 inadmissible aliens at the southern border" per day. *Id.* at 55,935. Then, as now, the surge involved a "flood of migrant families and children" for which the U.S. immigration system "wasn't designed . . . ." Joel Rose & John Burnett, *Migrant Families Arrive in Busloads as Border Crossings Hit 10-Year High*, NPR (Mar. 5, 2019), https://n.pr/3uQa95p. And then, as now, that flood of migrants created a humanitarian, public safety, and security crisis.

In response, the Trump Administration instituted the MPP in December 2018. *See* Notice of Availability for Policy Guidance Related to Implementation of the Migrant Protection Protocols, 84 Fed. Reg. 6,811, 6,811 (Feb. 28, 2019). Under the MPP, rather than release migrants into the interior pending resolution of their immigration proceedings, the Secretary of the Department of Homeland Security (DHS) exercised her statutory authority to "return[] to Mexico" certain aliens "arriving in or entering the United States from Mexico" "for the duration of their immigration proceedings." *Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration*, U.S. Dep't of Homeland Sec. (Dec. 20, 2018), https://bit.ly/3wLeY1g. The MPP aimed "'to bring the illegal immigration crisis under control'" by, among other things, alleviating crushing burdens on

the U.S. immigration detention system and reducing "'one of the key incentives'" for illegal immigration: the ability of aliens "to stay in our country" during immigration proceedings "even if they do not actually have a valid claim to asylum," and in many cases, "'skip their court dates'" to "disappear into the United States." *Id.* (quoting Secretary of Homeland Security Kirstjen M. Nielsen).

The MPP worked. DHS reported that after it implemented the MPP, apprehensions decreased 64 percent and encounters with Central American migrants had decreased by 80 percent. *See* U.S. Dep't of Homeland Sec., Assessment of the Migrant Protection Protocols (MPP) 2 (2019), https://bit.ly/31ZBPZ9. And with this decrease in illegal immigration came enormous relief on the law-enforcement and social-welfare systems of States like the Intervening States.

Though successful, the MPP spawned legal challenges, including this one. *Innovation L. Lab v. Nielsen*, 366 F. Supp. 3d 1110 (N.D. Cal. 2019).[3] In April 2019, the Northern District of California issued a nationwide preliminary injunction against the MPP, concluding: (1) that the Immigration and Nationality Act does not authorize the MPP; (2) that the MPP does not fulfill the United States' non-refoulement obligations; and (3) that the MPP needed to go through the APA's notice-and-comment procedures. *See Nielsen*, 366 F. Supp. 3d at 1121-

[3] *See also Hernandez Culajay v. McAleenan*, 396 F. Supp. 3d 477 (E.D. Pa. 2019), *aff'd in part, rev'd in part and remanded sub nom.*, *E.O.H.C. v. Sec'y U.S. Dep't of Homeland Sec.*, 950 F.3d 177 (3d Cir. 2020).

28. The Ninth Circuit affirmed. *Innovation L. Lab v. Wolf*, 951 F.3d 1073, 1095 (9th Cir. 2020).

A motions panel of the Ninth Circuit stayed the district court's ruling pending appeal—concluding that the government was "likely to prevail on its contention that" the INA authorizes the MPP. *Innovation L. Lab v. Wolf*, 924 F.3d 503, 509 (9th Cir. 2019) (per curiam). And after the Ninth Circuit merits panel affirmed the district court, this Court stayed the district court's nationwide injunction against the MPP pending disposition of the government's petition for certiorari. *Innovation L. Lab*, 140 S. Ct. at 1564. On October 19, 2020, this Court granted certiorari to review the Ninth Circuit's decision. *Innovation L. Lab*, 141 S. Ct. at 617.

Thus, through January 2020, the federal government vigorously defended the MPP, making "a strong showing that [it] is likely to succeed on the merits." *Nken v. Holder*, 556 U.S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)). But the new Administration changed course. On the first day of the current Administration, the Acting Secretary of Homeland Security issued a three-line order suspending new enrollments in MPP "pending further review of the program." Tex.-Mo. Compl. Ex. A. Soon after, President Biden directed the Secretary of Homeland Security to "review and determine whether to terminate or modify" the MPP. Exec. Order No. 14,010, § 4(ii)(B), 86 Fed. Reg. 8,267, 8,269 (Feb. 2, 2021). On February 1, 2021, the Department of Justice moved this Court to hold the briefing schedule in abeyance and remove the case from its oral argument calendar. *Mayorkas* Mot.

Since then, the United States has shown no interest in vigorously defending the MPP. And in other litigation,

it has demonstrated that it is willing to use unprecedented procedural maneuvering to avoid congressional limitations on executive powers.[4]

ARGUMENT

Texas, Missouri, and Arizona should be permitted to intervene. This Court has the "general equity power[]" to permit States to intervene in an action. *United States v. Louisiana*, 354 U.S. 515, 516 (1957) (per curiam). Though such intervention occurs most frequently in original actions, *see id.*, it is not limited to such cases. *See*, *e.g.*, *BNSF Ry. Co. v. EEOC*, 140 S. Ct. 109 (2019); *Gonzales v. Oregon*, 546 U.S. 807 (2005); *Ins. Co. of Pa. v. Ben Cooper, Inc.*, 498 U.S. 894 (1990); *Hunter v. Ohio ex rel. Miller*, 396 U.S. 879 (1969); *Banks v. Chi. Grain Trimmers Ass'n*, 389 U.S. 813 (1967). Intervention is especially appropriate when the intervenor's rights would be "vitally affected by the lower court's decision" and where the party who had previously supported the intervenor's position no longer does so. *See* STEPHEN M. SHAPIRO ET AL., SUPREME COURT PRACTICE 427 (10th ed. 2013).

The Intervening States have a concrete interest in the resolution of this case. An adverse resolution may prejudice their ability to obtain relief in their litigation. And the Administration is not going to vigorously defend the MPP in this Court. To the contrary, it is far more likely to

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[4] *See* Federal Respondents' Response in Opposition to Application for Leave to Intervene and for a Stay of the Judgment Entered by the United States District Court for the Northern District of Illinois, *Texas* v. *Cook County*, No. 20A150 (April 9, 2021) (Public Charge Response).

simply dismiss this case under Rule 46.1 in order to take advantage of the preliminary injunction issued by the Northern District of California. Further, the States' motion to intervene is timely and will not prejudice the current parties.

I. The States Can Intervene Because They Have a Concrete and Particularized Interest in this Litigation.

The States have a direct stake in this litigation. On April 11 and 13, they sued the current Administration in two lawsuits, and on May 14, Texas and Missouri sought a preliminary injunction to enjoin the Administration's unlawful suspension of the MPP. *See* Tex.-Mo. Compl.; Tex.-Mo. PI Mot.; Ariz. Compl. The Intervening States document how the Administration's suspension of the MPP has led to a spike in human smuggling and trafficking across the country's southern border, *see* Tex.-Mo. Compl., and how the Administration disregarded important procedural requirements, *see* Ariz. Compl. This has had spillover effects in the States, including law-enforcement costs, social-service impacts, and other predictable effects—some of which can be quantified in monetary terms, and others only in human misery. *See* Tex.-Mo. Compl. As the Texas-Missouri complaint explains, DHS's three-line suspension order does not explain how the Administration considered *any* of these costs, and was thus arbitrary and capricious, among other problems. *Id.*

Those are concrete injuries. Indeed, States typically "bear[] many of the consequences of unlawful immigration." *Arizona v. United States*, 567 U.S. 387, 397 (2012). And these consequences are not entirely monetary: The States also have sovereign interests, subject only to the

Constitution, in controlling who is entering the States and for what purposes. *See*, *e.g.*, *Alfred L. Snapp & Son, Inc. v. Puerto Rico, ex rel., Barez*, 458 U.S. 592, 601 (1982); *Mayor, Alderman & Commonalty of N.Y.C. v. Miln*, 36 U.S. (11 Pet.) 102, 132 (1837); *see also Compagnie Francaise de Navigation a Vapeur v. La. State Bd. of Health*, 186 U.S. 380, 391 (1902).

The States have a right to sue—and have sued—in federal court to protect these interests and ameliorate the harms caused by the purported suspension of the MPP. They have a "stake in the outcome of this case [that] is sufficiently concrete to warrant the exercise of federal judicial power." *Massachusetts v. EPA*, 549 U.S. 497, 519 (2007); *see also id.* at 520 ("Given that procedural right and Massachusetts' stake in protecting its quasi-sovereign interests, the Commonwealth is entitled to special solicitude in our standing analysis.").

Furthermore, on May 14, 2021, Missouri and Texas moved in district court to enjoin the government's suspension of the MPP. Tex.-Mo. PI Mot., *supra*. This motion for a preliminary injunction creates the direct possibility of conflicting injunctions in this case and in Texas' and Missouri's case. Thus, Missouri and Texas have an additional interest in intervening here to ensure that they can receive relief that they are currently seeking.

In sum, those interests justify granting the Intervening States' motion.

II. The Court Should Permit the States to Intervene.

The Administration's conduct in this and other litigation justify the States' intervention here. This Court looks to the Federal Rules of Civil Procedure, "and the general equity powers of the Court," for guidance on applications for intervention. *Louisiana*, 354 U.S. at 516;

see also Int'l Union v. Scofield, 382 U.S. 205, 216 n.10 (1965) (looking to Fed R. Civ. P. 24 as providing "the policies underlying intervention [that] may be applicable in appellate courts"). Here, the Intervening States meet the requirements for intervention as of right and for permissive intervention. Moreover, principles of equity justify intervention.

A. Under Federal Rule of Civil Procedure 24(a), a party may intervene as of right where, "[o]n [a] timely motion" the intervenor "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2).

These criteria are met here. *First*, the States have sued to enjoin the current Administration's suspension of MPP, the legality of which is at issue here. An adverse determination in this suit—either because the Administration collusively stipulates to dismissal of this case or because this Court rules in its favor on the merits—would impede if not preclude the States from obtaining relief in that suit. If the Administration stipulates to dismissal in this matter, the United States is likely to maintain that the district court's decision is effective nationwide—as it did for the public-charge rule. *See* Inadmissibility on Public Charge Grounds, 86 Fed. Reg. at 14,221. And, as the United States has made clear, it will vigorously oppose any attempt by the States to intervene after it has collusively stipulated to dismissal. *See* Public Charge Response.

Second, the existing parties will not represent the States' interests. *See* Fed. R. Civ. P. 24(a)(2). Immedi-

ately upon President Biden taking office, the Acting Secretary of DHS suspended new enrollment in the MPP "pending further review of the program," Tex.-Mo. Compl. Ex. A, and President Biden directed the Secretary of Homeland Security to "review and determine whether to terminate or modify" the MPP, Executive Order No. 14,010, § 4(ii)(B), 86 Fed. Reg. at 8,269. Further, the Administration moved to hold this case in abeyance, even though this Court had granted certiorari, the case was calendared for argument, and this Court's previous grant of a stay indicated that it was likely to succeed on the merits.

There is no reason to think that the United States will suddenly rediscover its longstanding practice of defending prior administrative actions that are defensible.[5] To the contrary, the Administration has demonstrated a willingness to engage in procedural gamesmanship to take advantage of nationwide injunctions in similarly situated matters. *See City and County of San Francisco v. U.S. Citizenship & Immigration Servs.*, 992 F.3d 742, 747–49 (9th Cir. 2021) (Van Dyke, J., dissenting); Application for Leave to Intervene and for Stay of the Judgment Issued by the United States District Court for the Northern District of Illinois, *Texas v. Cook County*, No. 20A150 (March 19, 2021).

Third, the Intervening States' motion is timely. *See* Fed. R. Civ. P. 24(a). The Intervening States filed their

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[5] *See* Attorney General Benjamin Civiletti, *The Att'y Gen.'s Duty to Defend & Enforce Constitutionally Objectionable Legislation*, 4A Op. O.L.C. 55, 55 (1980), https://tinyurl.com/264etc5u (reflecting view "expressed by nearly all of [his] predecessors").

lawsuit against the current Administration seeking to require it to apply the MPP only weeks ago. And Texas and Missouri moved for a preliminary injunction only days ago. Thus, "as soon as it became clear" that the federal government "would no longer" protect the Intervening States' interest, they "promptly moved to intervene . . . ." *United Airlines, Inc. v. McDonald*, 432 U.S. 385, 394 (1977).

B. In addition to intervention as a matter of right, permissive intervention is also appropriate. Courts "may" grant a "timely motion" for permissive intervention where a party "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). For permissive intervention, courts "must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

As discussed above, the Intervening States have concrete interests in the subject and outcome of this litigation. Since they also wish to fill the void left by the United States when it decided to abandon its defense of the MPP, the States also have "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). And the existing parties certainly do not adequately represent the Intervening States' interests. As with the public-charge rule, the current Administration is now aligned as a matter of policy—and perhaps as a matter of litigation strategy—with the plaintiffs in this matter. There can be little doubt that the United States will fail to vigorously defend the MPP before this Court.

Finally, the existing parties will not suffer delay or prejudice. The United States has requested that this Court hold this case in abeyance for an indefinite amount

of time, and this Court has granted that motion. So there is little question of delay. Nor will either of the parties be prejudiced by the Intervening States defending the MPP, as the United States was doing before the change in administrations.

C. Just as the rules justify intervention, so too do equitable consideration related to "the interests of justice . . . ." SHAPIRO ET AL., at 427; *see, e.g.*, *Louisiana*, 354 U.S. at 515–16; *Utah v. United States*, 394 U.S. 89, 92 (1969) (per curiam).

The MPP is legal and plainly authorized by federal statute. Indeed, this Court stayed the lower court's injunction against MPP, *Innovation L. Lab*, 140 S. Ct. at 1564, concluding that the former Administration was likely to succeed on the merits. *Conkright*, 556 U.S. at 1402. And the MPP worked: It successfully deterred the mass migrations of inadmissible—and all too often, dangerous—aliens to America's southern border. And it thereby limited the ability of cartels and other bad actors from preying on this incredibly vulnerable population. Where, as here, other parties stand willing to intervene to make arguments the federal government abandons, the interests of justice support letting them do so.

CONCLUSION

The Court should grant the Intervening States motion.

Respectfully submitted,

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MAY 2021