

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 21-11715-BB

STATE OF FLORIDA,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,
SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
in his official capacity,
UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
ACTING COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION,
in his official capacity,
UNITED STATES CUSTOMS AND BORDER PROTECTION, et al.,

Defendants - Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER:

On September 30, 2021, Secretary of the Department of Homeland Security Alejandro N. Mayorkas issued a memorandum titled “Guidelines for the Enforcement of Civil Immigration Law.” On November 29, 2021, those “Guidelines” went into effect, thus rescinding (1) the January 20, 2021 memorandum titled “Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities” issued by then-Acting Secretary of the Department of Homeland Security David Pekoske; and (2) the February 18, 2021 memorandum titled “Interim Guidance: Civil Immigration

Enforcement and Removal Priorities” issued by Acting Director of the U.S. Immigration and Customs Enforcement Tae D. Johnson.

The Court now DIRECTS the parties to file supplemental letter briefs, not to exceed 15 pages in length, addressing whether the “Guidelines for the Enforcement of Civil Immigration Law,” now effective as of November 29, 2021, moots this case.

Appellant State of Florida’s brief shall be filed within 10 days of the date of this order, and the Appellee’s letter brief shall be filed within 10 days of the filing of Appellant’s letter brief.

DAVID J. SMITH
Clerk of the United States Court of
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION