

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

_____)	
STATE OF TEXAS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 2:21-CV-00229-Z
)	
XAVIER BECERRA, in his official capacity)	
as Secretary of the United States Department)	
of Health and Human Services, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' JOINDER IN MOTION FOR VOLUNTARY DISMISSAL,
AND REPLY IN SUPPORT OF
DEFENDANTS' MOTION FOR A STAY OF THE INJUNCTION PENDING APPEAL**

Defendants consent to, and join in, Plaintiffs' motion for voluntary dismissal of their complaint, ECF No. 63. Until the complaint is dismissed, however, Defendants' motion for a stay of the preliminary injunction pending appeal is not yet moot.

As Defendants noted in their stay motion, they have respectfully requested that the Court rule on the motion no later than 5:00 p.m. on Wednesday, January 19, and they have informed the Court that, absent relief from this Court by that time, Defendants intend to seek a stay in the court of appeals.

Defendants accordingly request that the Court either grant Plaintiffs' motion for voluntary dismissal, or grant the stay motion, by 5:00 p.m. on Wednesday, January 19.

Dated: January 19, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

MICHELLE R. BENNETT
Assistant Branch Director
Federal Programs Branch

/s/ Joel McElvain
JOEL McELVAIN
D.C. Bar No. 448431
Senior Trial Counsel

JULIE STRAUS HARRIS
D.C Bar No. 1021298
Senior Trial Counsel

MICHAEL L. DREZNER
Va. Bar No. 83836
Trial Attorney

JONATHAN D. KOSSAK
Trial Attorney
D.C. Bar No. 991478
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20530
Tel: (202) 616-8298
Email: Joel.L.McElvain@usdoj.gov

Attorneys for Defendants