

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS, STATE OF LOUISIANA)	
)	
)	
v.)	No. 6:21-cv-00016
)	
UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Defendants.)	

RESPONSE TO PLAINTIFFS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants hereby respond to Plaintiffs’ recent notice of the decision by the Southern District of Ohio in *Arizona v. Biden*, --- F. Supp. 3d ----, No. 3:21-cv-314, 2022 WL 839672 (S.D. Ohio Mar. 22, 2022), in which the district court issued a partial preliminary injunction of the Secretary of Homeland Security’s *Guidelines for the Enforcement of Civil Immigration Law* (“September Guidance”). Pls.’ Notice of Suppl. Auth. (ECF No. 226). Defendants disagree with the decision and have already filed a notice of appeal and a motion for a stay pending appeal. *See Arizona v. Biden*, No. 3:21-cv-314 (S.D. Ohio), ECF Nos. 48, 49. As Defendants explained in briefing their motion for a stay before the district court, the district court’s preliminary injunction relies on multiple errors of law. *See, e.g., id.* ECF Nos. 49, 54. This Court should reject the effort by Texas and Louisiana to have this Court compound the errors made by another court acting in a preliminary posture by applying them to final judgment in this case. Instead, this Court should consider the extensive record in this case—including the trial, thorough closing arguments, and post-trial briefing—in assessing the matters before it.

Date: March 31, 2022

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically
(via CM/ECF) on March 31, 2022.

/s/ Adam Kirschner
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