



ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

April 19, 2022

VIA CM/ECF

Mr. Michael Gans
Clerk of Court
U.S. Court of Appeals for the Eighth Circuit
Thomas F. Eagleton Federal Courthouse
111 South 10th Street, Room 24.329
St. Louis, MO 63102

RE: *State of Missouri v. Yellen, et al.*, No. 21-2118
Supplemental Authority under Rule 28(j)

Dear Mr. Gans:

After briefing and argument in this case, the U.S. District Court for the Northern District of Texas issued two rulings pertaining to challenges to the Tax Mandate, 42 U.S.C. § 802(c)(2)(A), brought by a coalition of Plaintiff States.

1. On March 4, 2022, the Northern District of Texas denied motions to dismiss for want of subject matter jurisdiction and for failure to state a claim. *Texas v. Yellen*, 2022 WL 989733, at *1 (N.D. Tex. 2022). The court said:

- Where Congress puts an ambiguous condition on federal funds, like the broad interpretation, States have suffered a cognizable injury since the condition “deprive[s them] from receiving the information which [they are] entitled to under the Constitution.” *Id.* at *6.

- The States suffered a cognizable injury because the broad interpretation is an unconstitutionally coercive condition. *Id.* at *5.
- The States have pre-enforcement standing. *Id.* at *6.

2. On April 8, 2022, the Northern District of Texas granted the Plaintiff States summary judgment and enjoined enforcement of the Tax Mandate. *Texas v. Yellen*, 2022 WL 1063088, at *9 (N.D. Tex. 2022). The court held that the broad interpretation of the Tax Mandate “is coercive and commandeers” the States and so exceeds Congress’s authority under the Spending Clause and violates the anti-commandeering doctrine. *Id.* at *6.

Sincerely,

/s/ D. John Sauer
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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2022, the foregoing was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit using the CM/ECF system, which serve all counsel of record.

/s/ D. John Sauer

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the body of this letter contains 215 words as determined by the word-count feature of Microsoft Word. This letter has been scanned for viruses and is virus-free.

/s/ D. John Sauer