

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS,

Plaintiff,

v.

MERRICK GARLAND, *et al.*,

Defendants.

No. 5:23-cv-34-H

TEXAS'S MOTION FOR PRELIMINARY INJUNCTION

The State of Texas moves that the Court issue a preliminary injunction prohibiting the Court from enforcing the Consolidated Appropriations Act, 2023. It supports that motion with the accompanying brief.

Dated April 4, 2023.

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney
General

Office of the Attorney General of Texas

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

(512) 463-2100

Respectfully submitted.

AARON F. REITZ

Deputy Attorney General for Legal Strategy

Texas Bar No. 24105704

aaron.reitz@oag.texas.gov

LEIF A. OLSON

Chief, Special Litigation Division

Texas Bar No. 24032801

leif.olson@oag.texas.gov

J. AARON BARNES

Special Counsel

Texas Bar No. 24099014

aaron.barnes@oag.texas.gov

/s/ Ethan Szumanski

ETHAN SZUMANSKI

Assistant Attorney General

Texas Bar No. 24123966

ethan.szumanski@oag.texas.gov

Texas Public Policy Foundation
901 Congress Ave.
Austin, Texas 78701
(512) 472-2700

ROBERT HENNEKE
Texas Bar No. 24026058
rhenneke@texaspolicy.com

CHANCE WELDON
Texas Bar No. 24076767
cweldon@texaspolicy.com

MATTHEW MILLER
Texas Bar No. 24046444
mmiller@texaspolicy.com

NATE CURTISI
Arizona Bar No. 033342
ncurtisi@texaspolicy.com

Counsel for the State of Texas

CERTIFICATE OF CONFERENCE

I certify that I conferred with counsel for the Defendants on April 4, 2023.
They informed me that the Defendants oppose this motion.

/s/ *Ethan Szumanski*

CERTIFICATE OF SERVICE

I certify that on April 4, 2023, this motion was filed through the Court's
CM/ECF system, which serves it upon all counsel of record.

/s/ *Ethan Szumanski*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS,

Plaintiff,

v.

MERRICK GARLAND, *et al.*,

Defendants.

No. 5:23-cv-34-H

PRELIMINARY INJUNCTION

The Court concludes that:

1. Texas is likely to prevail on the merits of its claims.
2. Texas is suffering, and in the absence of a preliminary injunction will continue to suffer, irreparable harm as a result of the Defendants' actions.
3. The public interest is served by enjoining the Defendants from enforcing the Consolidated Appropriations Act, 2023, and the balance of equities favors enjoining them from doing so.

Based on those conclusions, the Defendants and their officers, agents, and employees are prohibited from taking any action to enforce the Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, 136 Stat. 4459 (2022). The Defendants must notify all relevant officers, agents, and employees of this injunction.

Signed on _____, at Lubbock, Texas.

James Wesley Hendrix
United States District Judge