## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS **EL PASO DIVISION**

	<b>§</b>	
LEAGUE OF UNITED LATIN	§	
AMERICAN CITIZENS, et al.,	§	
	§	
Plaintiffs,	§	
	§	
EDDIE BERNICE JOHNSON,	§	EP-21-CV-00259-DCG-JES-JVB
et al.,	§	[Lead Case]
,	§	
Plaintiff-Intervenors,	§	&
<b>v.</b>	§	
	§	All Consolidated Cases
GREG ABBOTT, in his official	§	
capacity as Governor of the State of	§	
Texas, et al.,	§	
	§	
Defendants.	§	
	§	

## ORDER DIRECTING THE UNITED STATES TO SUBMIT LETTER **BRIEF ADDRESSING ITS CLAIMS**

The United States and a legion of private plaintiffs have alleged that the redistricting plans enacted by Texas following the 2020 census violate the Voting Rights Act ("VRA"), 52 U.S.C. § 10301, and the United States Constitution.

On December 6, 2021, the United States filed intent-based and effect-based votedilution claims under Section 2 of the VRA against the State of Texas and John Scott in his official capacity as Texas Secretary of State. Four days later, the court consolidated the United States' case with LULAC v. Abbott, No. 3:21-cv-259 (W.D. Tex.), under Federal Rule of Civil Procedure 42(a)(2).<sup>2</sup> Since then, the United States has amended its complaint

United States v. State of Texas, No. 3:21-cv-299 (W.D. Tex.), ECF No. 1. Except for this one, all docket citations in this order refer to the docket in the above-styled matter.

ECF No. 83.

once and conducted discovery.<sup>3</sup> This Court also consolidated with the above-styled matter two subpoena-enforcement actions filed by the United States.<sup>4</sup> In July 2024, the United States and private plaintiffs filed a joint status report setting forth their motions still pending before this Court, pretrial proceedings to be scheduled, and a proposed trial schedule.<sup>5</sup>

Earlier this month, Donald J. Trump was inaugurated as the 47<sup>th</sup> President of the United States, and he nominated a new United States Attorney General whose confirmation vote the Senate Judiciary Committee has scheduled for January 29, 2025. As of this order, the Department of Justice has ordered its Civil Rights Division to pause ongoing litigation, and the Senate has yet to vote on President Trump's nomination to lead the Division.

Given the possible influence of these changes on this litigation, this Court directs the United States to submit a letter brief setting forth the United States' position on each of its operative claims in the above-styled matter, including whether the United States intends to pursue its operative claims. The United States' letter brief is due no later than Friday, February 7, 2025.

So ORDERED and SIGNED this 27th day of January 2025.

JERRY E. SMITH Linited States Cid

UNITED STATES CIRCUIT JUDGE

And on behalf of:

Jeffrey V. Brown United States District Judge Southern District of Texas

-and-

David C. Guaderrama Senior U.S. District Judge Western District of Texas

<sup>&</sup>lt;sup>3</sup> ECF No. 318 (United States' Amended Complaint); ECF Nos. 213, 294, 299, 351, 358, 384, 392, 407, 494, 527, 634 (examples of United States' discovery-related filings).

<sup>&</sup>lt;sup>4</sup> ECF Nos. 405, 406.

<sup>&</sup>lt;sup>5</sup> ECF No. 798.