

once and conducted discovery.³ This Court also consolidated with the above-styled matter two subpoena-enforcement actions filed by the United States.⁴ 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.⁵

Earlier this month, Donald J. Trump was inaugurated as the 47th 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
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

³ 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).

⁴ ECF Nos. 405, 406.

⁵ ECF No. 798.