

ENTERED

September 13, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, <i>et al.</i> ,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 1:18-CV-00068
	§	
THE UNITED STATES OF AMERICA, <i>et al.</i> ,	§	
<i>Defendants,</i>	§	
	§	
<i>and</i>	§	
	§	
KARLA PEREZ, <i>et al.</i> ;	§	
	§	
STATE OF NEW JERSEY,	§	
<i>Defendant-Intervenors.</i>	§	

SUPPLEMENTAL ORDER OF INJUNCTION

On July 16, 2021, this Court vacated the DACA program created by the 2012 DACA Memorandum and enjoined the United States of America, its departments, agencies, officers, agents, and employees from administering the DACA program and from granting new (post-July 15, 2021) DACA applications. This judgment was affirmed by the Fifth Circuit Court of Appeals. That analysis and order are hereby reaffirmed, and the original injunction and order of vacatur is hereby expanded to cover Final Rule DACA—the program found at 8 C.F.R. pts. 106, 236, and 274a. That program is vacated, and the Department of Homeland Security (DHS) is enjoined from implementing Final Rule DACA until a further order of this Court, the Fifth Circuit Court of Appeals, or the Supreme Court of the United States.

The Court, as it did before, hereby stays the effective date of the vacatur order as to all DACA recipients who received their initial DACA status prior to July 16, 2021. The Defendants may continue to administer the program as to those individuals, and that administration may

include processing and granting DACA renewal applications for those individuals. DHS may continue to accept initial applications if it so chooses, but it may not grant any.

The remaining provisions of the original injunction are to remain in place and are to be applicable to Final Rule DACA. DHS should post a public notice of this Supplemental Injunction on its website and on all of the websites of the relevant agencies involved in DACA administration or processing.

This Court retains jurisdiction of this matter for purposes of construction, modification, and/or enforcement of the terms of the original and this Supplemental Injunction. Moreover, the Court notes that its Memorandum and Opinion issued today concerning Final Rule DACA as well as this supplemental injunction and the original injunction are part of the ongoing case in 1:18-cv-00068. A Final Judgment has not been entered in this case, so all matters not being addressed by an appellate court are still pending in this Court and subject to its jurisdiction. To be clear, neither this Supplemental Order of Injunction nor the Memorandum and Order that accompanies it requires DHS or the Department of Justice to take any immigration, deportation, or criminal action against any DACA recipient, applicant, or any other individual that would not otherwise be taken.

Signed this 13th day of September, 2023.



Andrew S. Hanen
United States District Judge