

January 21, 2021

VIA CM/ECF

The Honorable Andrew S. Hanen
United States Courthouse
515 Rusk Street, Room 8613
Houston, TX 77002

Re: *Texas v. United States*, No. 1:18-cv-00068

Dear Judge Hanen:

Defendant-Intervenors Karla Perez, *et al.*, and New Jersey (the “Defendant-Intervenors”) write to advise the Court that, on January 20, 2021, President Joseph R. Biden signed a Memorandum titled “Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA).” The Memorandum is attached as Exhibit A.

In the Memorandum, President Biden directs that the Secretary of Homeland Security, in consultation with the Attorney General, “shall take all actions he deems appropriate, consistent with applicable law, to preserve and fortify DACA.” Ex. A § 2. The Memorandum further directs that it must be implemented “consistent with applicable law” and that it does not affect “the authority granted by law to an executive department, agency, or the head thereof[.]” *Id.* § 3.

President Biden’s Memorandum thus begins a process in which Federal Defendants will shortly both be taking substantive steps relating to the DACA memorandum and shifting their posture with respect to Plaintiffs’ claims. Defendant-Intervenors respectfully request that the Court schedule a status conference for early February, by which time Federal Defendants can file a notice regarding how they anticipate that implementation of President Biden’s Memorandum will impact the substantive and procedural aspects of this litigation.

Respectfully submitted,

**MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND**

/s/

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