

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

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

*and*

KARLA PEREZ, *et al.*,

Defendant-Intervenors.

Case No. 18-cv-00068

**FEDERAL DEFENDANTS' RESPONSE  
TO DEFENDANT-INTERVENORS' LETTER [ECF No. 550]**

Federal Defendants agree with Defendant-Intervenors that President Biden’s Memorandum may “impact the substantive and procedural aspects of this litigation” and agree that a status conference is appropriate. As Defendant-Intervenors note, the Memorandum instructs that “[t]he 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.” Memo § 2.

Federal Defendants respectfully request that the status conference be scheduled in 60 days to allow new officials at the Department of Homeland Security and Department of Justice to become familiar with the issues in this case and to provide time for the Secretary of Homeland Security to begin the process of consulting with the Attorney General and determining the next steps. As yet, President Biden’s nominees for Secretary and Attorney General have not been confirmed by the Senate. Providing this 60-day window would serve the interest of judicial economy because the Secretary may take actions on DACA that are relevant to the arguments before the Court.

For the foregoing reasons, Federal Defendants join Defendant-Intervenors’ request for a status conference and respectfully ask the Court to set a status conference for 60 days from the date it issues an order on Defendant-Intervenors’ request.

Dated: January 22, 2021  
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AUGUST E. FLENTJE  
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WILLIAM C. PEACHEY

Respectfully submitted,  
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Deputy Director

/s/ James J. Walker  
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**CERTIFICATE OF SERVICE**

I certify that on January 22, 2021, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ James J. Walker  
JAMES J. WALKER