

22-58 UNITED STATES V. TEXAS

DECISION BELOW: 40 F.4th 205

LOWER COURT CASE NUMBER: 22-40367

QUESTION PRESENTED:

The application for stay presented to Justice Alito and by him referred to the Court is denied. The Solicitor General suggested that the Court may want to construe the application as a petition for certiorari before judgment. Doing so, the petition is granted. The parties are directed to brief and argue the following questions: 1. Whether the state plaintiffs have Article III standing to challenge the Department of Homeland Security's Guidelines for the Enforcement of Civil Immigration Law; 2. Whether the Guidelines are contrary to 8 U.S.C. §1226(c) or 8 U.S.C. §1231(a), or otherwise violate the Administrative Procedure Act; and 3. Whether 8 U.S.C. §1252(f)(1) prevents the entry of an order to "hold unlawful and set aside" the Guidelines under 5 U.S.C. §706(2).

ORDER OF THURSDAY, JULY 21, 2022:

COURT CONSTRUED THE APPLICATION AS A PETITION FOR CERTIORARI
BEFORE JUDGMENT.

CERT. GRANTED 7/21/2022