

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TEXAS; and GREG
ABBOTT, in his official capacity as
Governor of the State of Texas,

Defendants.

§
§
§
§
§
§
§
§
§
§

EP-21-CV-173-KC

TEMPORORARY RESTRAINING ORDER

On this day, the Court considered the United States’ Emergency Motion for a Temporary Restraining Order or Preliminary Injunction (“Motion”), ECF No. 3. Upon consideration of the Complaint and the Motion, including the declarations attached thereto, the Court finds as follows:

1. This Court has jurisdiction over the subject matter of this case, there is good cause to believe it will have jurisdiction over all the parties, and venue in this district is proper. The United States is likely to prevail on its claims that Texas Governor Greg Abbott’s “executive order No. GA-37 relating to the transportation of migrants during the COVID-19 disaster,” issued on July 28, 2021 (“Executive Order”), violates the Supremacy Clause of the United States Constitution because (1) it conflicts with, and poses an obstacle to, federal immigration law; and (2) it directly regulates the federal government’s operations.

2. The Executive Order causes irreparable injury to the United States and to individuals the United States is charged with protecting, jeopardizing the health and safety of

non-citizens in federal custody, risking the safety of federal law enforcement personnel and their families, and exacerbating the spread of COVID-19.

3. The balance of equities and the public interest also favor the United States.

4. The Court requires a fuller presentation of the facts and law before entering an order on Plaintiff's application for a preliminary injunction.

Accordingly, it is hereby **ORDERED** that, pursuant to Federal Rule of Civil Procedure 65, the Motion, ECF No. 3, is **GRANTED**.

IT IS FURTHER ORDERED that Defendants, their agents, officers, and employees, and all other persons and entities in active concert or participation with them, are **ENJOINED**, pending a full hearing on Plaintiff's application for a preliminary injunction, from enforcing the Executive Order.

IT IS FURTHER ORDERED that this temporary restraining order shall remain in force until the 13th day of August, 2021, at 8:00 a.m., or until such later date as may be extended by the Court or agreed upon by the parties. Pursuant to Federal Rule of Civil Procedure 65, the parties shall appear before this Court **on August 13, 2021, at 8:00 a.m.**, for a hearing on Plaintiff's application for a preliminary injunction.

SO ORDERED.

SIGNED on this 3rd day of August, 2021 at 3:55 p.m.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE