

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

LAS AMERICAS IMMIGRANT  
ADVOCACY CENTER; AMERICAN  
GATEWAYS; and THE COUNTY OF EL  
PASO, TEXAS,

*Plaintiffs,*

v.

STEVEN C. MCCRAW, in his official  
capacity as Director of the State of Texas  
Department of Public Safety, and BILL D.  
HICKS, in his official capacity as District  
Attorney for the 34th District,

*Defendants.*

Case No. 1:23-cv-1537

**Plaintiffs' Opposition to Carl Starr's Motion to Intervene**

The Court should deny the motion to intervene, because the proposed intervenor has not offered any good reason to grant permissive intervention, and his involvement would needlessly complicate this litigation.

Intervention can be granted in two circumstances. First, under Federal Rule of Civil Procedure 24(a), a party may intervene as of right when certain requirements are satisfied. Second, under Rule 24(b), a party may be granted permissive intervention in the Court's discretion if the party shows that their claim has "a common question of law or fact" with the main action.

Here, the proposed intervenor seeks only permissive intervention. *See* Intervention Mot. at 1. "Permissive intervention is wholly discretionary with the district court," and may be denied

even if the Rule 24(b) requirements are satisfied. *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 470-71 (5th Cir. 1984) (cleaned up). But the proposed intervenor offers no good reason to permit his intervention, particularly given that he “has the same ultimate objective as” the plaintiffs—namely, to prevent the enforcement of S.B. 4. *Texas v. United States*, 805 F.3d 653, 661-62 (5th Cir. 2015) (discussing intervention as of right); *see New Orleans Pub. Serv.* 732 F.2d at 472-73 (denying permissive intervention because “intervenors’ interests are adequately represented by other parties”) (quotation marks omitted). The potential intervenor identifies no unique contribution that he would bring to resolving the factual and legal questions surrounding S.B. 4’s validity. *New Orleans Pub. Serv.* 732 F.2d at 473 (rejecting permissive intervention on this basis); *La Union del Pueblo Entero v. Abbott*, 2021 WL 5410516, \*3 (W.D. Tex. Nov. 16, 2021) (same). Courts frequently deny permissive intervention where the intervenor would add little to the case, and may “unnecessarily complicate” or “delay” the proceedings. *Fisher v. Halliburton*, 2006 WL 1291474, \*2 (S.D. Tex. May 8, 2006); *La Union del Pueblo Entero*, 2021 WL 5410516, \*3 (refusing to add “a new party and counsel to an already complex case involving numerous parties and counsel, and where the proposed intervenor fails to show any unique legal interests or factual contributions that would aid in the resolution of this case”). That is the appropriate course in this case.

### Conclusion

The Motion to Intervene should be denied.

<p>Dated: January 19, 2024</p> <p>David A. Donatti (TX Bar No. 24097612)          Adriana C. Piñon (TX Bar No. 24089768)          AMERICAN CIVIL LIBERTIES UNION OF TEXAS          P.O. Box 8306          Houston, TX 77288          Telephone: (713) 942-8146</p>	<p><u>/s/ Cody Wofsy</u></p> <p>Cody Wofsy          Spencer Amdur          Hannah Schoen          Morgan Russell          AMERICAN CIVIL LIBERTIES UNION FOUNDATION          IMMIGRANTS’ RIGHTS PROJECT          39 Drumm Street</p>
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2024, I electronically filed the foregoing with the Clerk of Court by using the District Court CM/ECF system. A true and correct copy of this document has been served via the Court's CM/ECF system on all counsel of record. A true and correct copy has been served via mail to Carl Starr at 815 La Cruz Dr., El Paso, TX 79902 and Bill D. Hicks at 500 E. San Antonio, 2nd Floor, El Paso, Texas 79901.

/s/ Cody Wofsy  
Cody Wofsy