

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11528

STATE OF FLORIDA,

Plaintiff-Appellee,

versus

UNITED STATES OF AMERICA,
ACTING COMMISSIONER OF U.S. CUSTOMS AND BORDER
PROTECTION,
U.S. CUSTOMS AND BORDER PROTECTION,
DIRECTOR, U.S. CITIZENSHIP & IMMIGRATION SERVICES,
U.S. CITIZENSHIP AND IMMIGRATION SERVICES,
SECRETARY, et al.,

Defendants-Appellants.

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Order of the Court

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Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 3:21-cv-01066-TKW-ZCB

No. 23-11644

STATE OF FLORIDA,

Plaintiff-Appellee,

versus

SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY,
CHIEF OF THE UNITED STATES BORDER PATROL,
UNITED STATES OF AMERICA,

Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 3:23-cv-09962-TKW-ZCB

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ORDER:

The parties are DIRECTED to brief the following question: In light of *United States v. Texas*, 599 U.S. 670 (2023), does Florida have standing to challenge the parole policies at issue in these cases?

That decision raises several significant questions about Florida's standing in these cases. Questions that the parties may consider answering include the extent to which the Court's reasoning in *Texas* with respect to arrest and prosecution policies applies to the parole policies at issue in these cases. Though the Supreme Court's opinion pointed out that such policies "*arguably might* raise a different standing question," *Texas*, 599 U.S. at 683 (emphasis added), it is far from certain that the sentence by itself "establishes that *Texas* does not control the resolution of the standing issue in these cases," *Florida v. United States*, No. 3:21-CV-1066, 2024 WL 677713, at *2 (N.D. Fla. Feb. 20, 2024). Other questions include whether Florida's quasi-sovereign interest is meaningfully different than the one asserted by Texas and how, if at all, Florida's injury is redressed by vacatur of the challenged policies.

Both parties' briefs are due within 14 days after the date of this order and shall not exceed 8000 words.

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DAVID J. SMITH
Clerk of the United States Court of
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION