

**United States District Court  
Northern District of Texas  
Amarillo Division**

STATE OF TEXAS,

*Plaintiff,*

v.

ALEJANDRO MAYORKAS, in his official  
capacity as Secretary of Homeland  
Security, *et al.*,  
*Defendants.*

No. 2:22-cv-00094

**Joint Motion to Extend Schedule**

The Court previously granted the Parties' motion to extend the deadlines in this case as follows:

- Parties complete all jurisdictional discovery on or before Friday, August 4, 2023; and
  - Defendants answer, move to dismiss, or otherwise respond to Plaintiff's Complaint on or before Friday, September 1, 2023.
- See* Dkt. 91.

The Parties respectfully request that the Court further extend this schedule. In granting the Parties' previous extension request, the Court noted that further extension requests must be supported by circumstances other than those proffered in prior requests. *Id.* The following new circumstances, and thus good cause, support this extension request.

On July 12, 2023, given the impending discovery deadline, Defendants filed a motion to compel responses from Texas to outstanding discovery requests on a timeline that would allow Defendants a reasonable amount of time to review those responses prior to conducting previously noticed depositions if necessary. Dkt. 93. That motion is not yet fully briefed and,

although Plaintiffs produced some additional responses this past Friday, July 28, 2023, Defendants are still reviewing those responses to determine what issues remain. And, because those responses were provided a week out from the current discovery deadline, there is insufficient time for Defendants to complete that review, resolve any outstanding issues, and complete any depositions that may be necessary on the current schedule.

In addition, undersigned counsel for Texas, Leif A. Olson, has accepted a position outside the Office of the Attorney General of Texas. Substitute counsel for Plaintiff will need time to get up to speed on this case, and to resolve any remaining issues with discovery in this matter.

Finally, both Texas and counsel for Defendants have competing deadlines in other matters this month, including pretrial deadlines and a trial scheduled at the end of August in *Texas v. U.S. Dep't of Homeland Sec.*, No. 6:23-cv-00007 (S.D. Texas).

Accordingly, the Parties jointly request that the Court extend the discovery deadline until 30 days after Defendants' motion to compel is resolved, and extend Defendants' deadline to answer, move to dismiss, or otherwise respond to Plaintiff's Complaint until 30 days after the close of discovery.

Dated: August 1, 2023.

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

AARON F. REITZ  
*Lead Counsel*  
Deputy Attorney General  
for Legal Strategy  
Texas Bar No. 24105704  
aaron.reitz@oag.texas.gov

/s/ Leif A. Olson

LEIF A. OLSON  
Special Counsel  
Texas Bar No. 24032801  
leif.olson@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548  
Austin, Texas 78711-2548  
(512) 936-1700

GENE P. HAMILTON  
America First Legal Foundation  
300 Independence Avenue SE  
Washington, DC 20003  
(202) 964-3721  
gene.hamilton@aflegal.org

*Counsel for the State of Texas*

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant  
Attorney General

WILLIAM C. PEACHEY  
Director  
Office of Immigration Litigation  
District Court Section

EREZ REUVENI  
Assistant Director

/s/ Brian C. Ward

BRIAN C. WARD  
Senior Litigation Counsel  
U.S. Department of Justice  
Civil Division  
Office of Immigration Litigation  
District Court Section  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
Tel.: (202) 616-9121  
brian.c.ward@usdoj.gov

*Counsel for Defendants*

**Certificate of Service**

I certify that on August 1, 2023, I filed this document through the Court's EM/ECF system, which serves it upon all counsel of record.

/s/ Brian C. Ward