

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

State of Texas v. Biden

No. 21-10806, United States Court of Appeals for the Fifth Circuit (August 3, 2022)

SUMMARY

On remand from the Supreme Court's decision in **Biden v. Texas**, 142 S. Ct. 2528 (2022), the Fifth Circuit vacated its prior ruling and remanded the case to the district court for further proceedings. The Supreme Court held that the Biden administration's termination of the Migrant Protection Protocols (Remain in Mexico) was not arbitrary and capricious under the APA and fell within executive discretion. This order effectively ends the previous injunction requiring reinstatement of the policy.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Barksdale; Engelhardt; Oldham
JURISDICTION	Federal
DECIDED	August 3, 2022
DOCKET	21-10806
DISPOSITION	remanded
PROCEDURAL POSTURE	On remand from the Supreme Court of the United States
PRECEDENTIAL VALUE	published
PARTIES	Joseph R. Biden, Jr., in his official capacity as President of the United States of America, United States of America, Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security, United States Department of Homeland Security, Troy Miller, Acting Commissioner, U.S. Customs and Border Protection, United States Customs and Border Protection, Tae D. Johnson, Acting Director, U.S. Immigration and Customs Enforcement, United States Immigration and Customs Enforcement, Ur M. Jaddou, Director of U.S. Citizenship and Immigration Services, United States Citizenship and Immigration Services v. State of Texas, State of Missouri

TOPICS

- asylum
- removal proceedings
- administrative law
- federalism

PRACTICE AREAS

Immigration Law

Administrative Law

Constitutional Law

KEY QUOTATIONS

“We REMAND for further proceedings consistent with the Supreme Court’s decision.” (2)

PROCEDURAL HISTORY

This court previously issued a decision at 20 F.4th 928 (5th Cir. 2021). The Supreme Court granted certiorari and reversed in *Biden v. Texas*, 142 S. Ct. 2528 (2022), and remanded for further proceedings. The Fifth Circuit now remands to the district court consistent with the Supreme Court’s decision.

DISPOSITION

remanded

REMAND INSTRUCTIONS

for further proceedings consistent with the Supreme Court's decision

CASES CITED

- 20 F.4th 928 (5th Cir. 2021)
- *Biden v. Texas*, 142 S. Ct. 2528 (2022)

OPINION

State of Texas v. Biden

PER CURIAM.

Case: 21-10806 Document: 00516418363 Page: 1 Date Filed: 08/03/2022 United States Court of Appeals for the Fifth Circuit United States Court of Appeals Fifth Circuit

FILED

August 3, 2022 No. 21-10806 Lyle W. Cayce Clerk State of Texas; State of Missouri, Plaintiffs—Appellees, versus Joseph R. Biden, Jr., in his official capacity as President of the United States of America; United States of America; Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security; United States Department of Homeland Security; Troy Miller, Acting Commissioner, U.S. Customs and Border Protection; United States Customs and Border Protection; Tae D. Johnson, Acting Director, U.S. Immigration and Customs Enforcement; United States Immigration and Customs Enforcement; Ur M. Jaddou, Director of U.S. Citizenship and Immigration Services; United States Citizenship and Immigration Services, Defendants—Appellants. Appeal from the United States District Court for the Northern District of Texas USDC No. 2:21-cv-67

ON REMAND FROM

THE SUPREME COURT OF THE UNITED STATES

Case: 21-10806 Document: 00516418363 Page: 2 Date Filed: 08/03/2022 No. 21-10806 Before Barksdale, Engelhardt, and Oldham, Circuit Judges. Per Curiam: This court's decision, found at 20 F.4th 928 (5th Cir. 2021), returns to us on remand from the Supreme Court. See *Biden v. Texas*, 142 S. Ct. 2528 (2022). We REMAND for further proceedings consistent with the Supreme Court's decision. 2