

No. 23-10143

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

STATE OF TEXAS; STATE OF MISSOURI,

Plaintiffs-Appellees,

v.

JOSEPH R. BIDEN, JR., in his official capacity as President of the United States of America; United States of America; ALEJANDRO MAYORKAS, in his official capacity as Secretary of the United States Department of Homeland Security; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TROY MILLER, in his official capacity as Acting Commissioner of the United States Customs and Border Protection; TAE JOHNSON, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; UR M. JADDOU, Director of U.S. Citizenship and Immigration Services, in her official capacity as Director of the United States Citizenship and Immigration Services; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES,

Defendants-Appellants.

On appeal from the United States District Court
for the Northern District of Texas, Case No. 2:21-cv-00067-Z

**DEFENDANTS-APPELLANTS' UNOPPOSED
MOTION TO DISMISS INTERLOCUTORY APPEAL**

Defendants-Appellants respectfully move to dismiss this interlocutory appeal, with each party bearing its own costs and fees for the appeal. The government has decided not to pursue this appeal. Appellees do not oppose dismissing this appeal.

Dated: May 15, 2023

Respectfully submitted,

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/s/ Brian C. Ward

BRIAN C. WARD

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CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27 because it contains 36 words, and the type style requirements of Fed. R. App. P. 27 because this brief has been prepared in a proportionally spaced typeface using Word 14-point Times New Roman typeface.

/s/ *Brian C. Ward*

BRIAN C. WARD

United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2023, I electronically filed this motion with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ *Brian C. Ward*

BRIAN C. WARD

United States Department of Justice