

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

Space Exploration Technologies Corp.,

Plaintiff,

v.

**Carol Bell, in her official capacity as
Administrative Law Judge of the Office of
the Chief Administrative Hearing Officer,
et al.,**

Defendants.

Civil Action No. 1:23-cv-00137

UNOPPOSED MOTION TO DISMISS CASE AS MOOT

Defendants request that the Court dismiss this case as moot. Plaintiff does not oppose this motion. The Court should dismiss this case as moot for the following reasons:

1. On August 23, 2023, the Department of Justice (DOJ), Civil Rights Division filed an administrative complaint against Plaintiff with DOJ's Office of the Chief Administrative Hearing Officer (OCAHO), pursuant to 8 U.S.C. § 1324b. ECF No. 11-2.
2. Plaintiff filed this case in this Court on September 15, 2023, alleging that the administrative proceeding was unconstitutional and seeking to enjoin the proceeding. Compl., ECF No. 1. Plaintiff subsequently filed an amended complaint, which added an Administrative Procedure Act challenge to an interim final rule issued by DOJ concerning Attorney General review of ALJ decisions in § 1324b cases. First Amend. Compl. ¶¶ 80-89, ECF No. 31.
3. On November 8, 2023, this Court preliminarily enjoined the administrative proceeding. Order at 9 (Nov. 8, 2023), ECF No. 28.

4. The parties subsequently filed cross-motions for summary judgment. ECF Nos. 35, 36, 45, 46.

5. On February 21, 2025, the Court granted Defendants' unopposed motion to lift the preliminary injunction to allow the Civil Rights Division to dismiss its administrative complaint with prejudice. Order, ECF No. 50. The Civil Rights Division filed a notice of dismissal with OCAHO that same day.

6. On February 24, 2025, OCAHO issued an order confirming that the administrative case was dismissed with prejudice.

7. Because the administrative proceeding that Plaintiff is challenging has been dismissed with prejudice, this case "is no longer embedded in any actual controversy about the plaintiff[s] particular legal rights" and thus should be dismissed as moot. *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (citation and internal quotation marks omitted); *see also* Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

8. Plaintiff does not oppose this motion.

Accordingly, the Court should dismiss this case as moot.

Dated: February 28, 2025

Respectfully submitted,

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