

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH VAN LOON, et al.,

Plaintiffs,

v.

DEPARTMENT OF TREASURY, et al.,

Defendants.

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1:23-CV-0312-RP

ORDER

Before the Court is Defendants Department of treasury, *et al.*'s ("Defendants") Motion to Preclude Filing of Untimely Amicus Brief. (Dkt. 56). Plaintiffs Joseph Van Loon, *et al.* filed a response, (Dkt. 60), and Defendants filed a reply, (Dkt. 61). Defendants allege that non-party Electronic Frontier Foundation ("EFF") intends to file an amicus brief in support of Plaintiffs' motion for partial summary judgment on or before May 10, 2023. (Mot., Dkt. 56, at 1). However, EFF has yet to file a motion for leave to file an amicus brief.

The Court will deny Defendants' motion as premature at this time, without prejudice to refiling if EFF seeks leave to file an amicus brief. At that point, the Court will evaluate whether EFF has good cause to file its brief more than a month after Plaintiffs filed their motion.

Accordingly, **IT IS ORDERED** that Defendants' motion is **DENIED** as premature without prejudice to refiling.

SIGNED on April 26, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE