

September 11, 2023

The Honorable Alia Moses
Chief Judge, United States District Court for
the Western District of Texas
111 East Broadway, Suite 100
Del Rio, TX 78840

The Honorable David C. Godbey
Chief Judge, United States District Court for
the Northern District of Texas
1100 Commerce Street, Room 1452
Dallas, TX 75242

The Honorable Rodney Gilstrap
Chief Judge, United States District Court for
the Eastern District of Texas
100 East Houston Street
Marshall, TX 75670

The Honorable Randy Crane
Chief Judge, United States District Court for
the Southern District of Texas
1701 W. Business Hwy 83
McAllen, TX 78501

Re: Proposals to Curb Judge Shopping

Dear Chief Judge,

In the ensuing letter, the nine undersigned organizations respectfully propose that the four Texas federal district courts, and/or their individual judges, adopt rules to prevent the ongoing practice of judge shopping currently transpiring within the courts. Specifically, and consistent with practices already employed by sister districts, the letter proposes to amend rules to foreclose parties taking advantage of these courts' one-to-three-judge divisions as a means of excluding their disfavored judges or obtaining their selected judges. The letter proposes to do so by amending general orders to require district-wide assignment of certain categories of cases and proposes individual judge's orders inviting scrutiny of prospective judge shopping.

While the undersigned organizations are frequently adverse to the parties who are presently engaged in judge shopping, the practice these organizations seek to curb is one that is almost universally condemned. To be clear, in proposing curbing judge shopping, the undersigned organizations do not intend to question the impartiality of any of Texas's federal district judges. Quite the opposite, these organizations seek to foreclose a practice, currently being deployed by a growing set of litigants, to implicitly label as unfit for presiding many of the districts' judges based upon the party of the presidents who appointed the judges. The undersigned organizations' proposed solutions would not result in the disqualification of any judge, but rather would ensure that random assignment controls who presides over cases of national concern, and not parties' beliefs about judges' adversity or openness to positions.

The letter proceeds in three parts. First, the letter establishes, with underlying case filing data, that judge shopping is transpiring on a consistent basis within these courts' divisions. Second, the letter details how judge shopping—as differentiated from forum shopping—harms the public, and the courts themselves, by undermining public confidence in the judiciary's impartiality. Third, the letter identifies how judge shopping could be curbed via potential changes to the courts' orders assigning the courts' business, noting examples of the orders being employed by other courts. While the undersigned organizations understand that your respective courts' division of work orders are established by all of the judges of the respective districts, it is the undersigned's hope that this letter can set in motion the necessary discussions for the judges of your courts to remediate the practice.

We thank your Honors for your attention to this matter.

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The undersigned nine organizations, an assortment of organizations who routinely litigate in the federal courts to advance and protect civil rights, write to you regarding abuse, led by the State of Texas, of the four Texas federal district courts' case assignment processes. Via this letter, the undersigned organizations hope to bring to your attention the consistent misuse of the courts' general orders to engage in judge shopping, a practice adverse to the public's perception of judicial independence. In addition to explaining how the case data establish the without-exception consistency of Texas's judge shopping, this letter also proposes solutions to the problem either via the full courts' rulemaking authorities or on a judge-by-judge basis.

I. Judge Shopping is Particularly Prominent within the Texas Federal District Courts

Led by the State of Texas, litigants are exploiting the Texas federal district courts' case assignment rules to engage in open and obvious judge shopping in efforts to enjoin federal policies nationwide. The conduct and statements of these litigants make clear that they seek not just a convenient forum or even a body of circuit caselaw, but have instead determined for themselves to appear before specific individual judges and to ensure that only judges appointed during Republican presidencies hear their cases.

A. The Court's Case Assignment Rules

In a suit against the United States, Congress has provided that venue lies, *inter alia*, in a district in which "a substantial part of the events or omissions giving rise to the claim occurred" or in which "the plaintiff resides if no real property is involved in the action."¹ However, the Code does not specify where a case must be filed in districts that, like each of those in Texas, are further subdivided into divisions. Instead, the courts themselves are authorized to determine where cases are brought within the district and to whom they are assigned.²

Each of Texas's federal district courts are divided into divisions, named for the city in which the division's courthouse lies. In turn, each of the districts has issued standing orders specifying which judges will receive cases filed in a given subdivision.³ While cases are ordinarily randomly assigned, certain divisions have only one judge to whom all cases are assigned.⁴ Several other divisions have only two or three judges among the assignment pool.⁵ The effect is thus that a litigant can, simply by choosing a specific division on an ECF drop-

¹ 28 U.S.C. § 1391(e)(1)(B)-(C).

² 28 U.S.C. § 137(a).

³ *See, e.g.*, Special Order No. 3-349 (N.D. Tex. June 5, 2023), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-349.pdf> (assigning percentages of random case assignments to judges in the Dallas Division). *See also* Appendix A attached to this letter, Texas Federal District Court Division-of-Work Orders in Effect During Relevant Timeframes.

⁴ *See, e.g.*, Am. Order Assigning the Business of the Court (W.D. Tex. May 1, 2022), <https://www.txwd.uscourts.gov/wp-content/uploads/2022/12/AmendedOrderAssigningBusinessoftheCourt-050123-Updated.pdf> (assigning 100 percent of civil docket to individual judge in certain divisions).

⁵ *See, e.g.*, Third Am. Division of Work Order, General Order No. 2023-10, <https://www.txs.uscourts.gov/file/7110/download?token=uzgDeYrn> (assigning 50 percent of cases to each of two judges in Laredo Division).

down menu, virtually guarantee, or short of that, heavily stack the odds, in favor of receiving the presiding judge of their choosing.

1. The Open Exploitation of Case Assignment Rules by Texas and Others

Armed with this quirk of court rules, litigants have engaged in a pattern of judge shopping in legal challenges intended to have nationwide impacts. The State of Texas is leading this judge shopping practice and its example is being followed by others. The practice is occurring in plain view and without any reasonable alternative explanation for the conduct, including failing to offer an alternative explanation when the judges of this court have asked Texas's counsel to explain Texas's filing practices.

B. Texas's Judge Shopping

Throughout the current presidential administration, Texas has endeavored to block a broad array of federal government policies. As of the date of this letter, Texas has filed at least 34 lawsuits challenging federal policies in the Texas federal district courts. In those cases, Texas has usually sought to enjoin the targeted policy nationwide.

Texas ascribes to the position that it resides for venue purposes in every division of every district within its borders—which leaves it with nearly unfettered discretion as to which division in which to file. Using this argument, Texas has, without fail, filed all of its cases in divisions in which Texas is virtually guaranteed to avoid appearing in front of any of the judges in the Texas's federal district courts who were appointed by Democratic presidents. What's more, Texas has routinely filed in courts in which a single judge receives all or nearly all cases so that Texas can not only avoid any judge appointed by Texas's disfavored political party but can also essentially select the specific judge overseeing Texas's numerous cases.

The numbers alone depict that Texas is judge shopping. As of the date of this letter, Texas has filed 34 lawsuits against the federal government in Texas's federal district courts. Texas has filed all 34 of those cases in divisions in which three or fewer judges receive all civil case assignments and in which judges appointed during Democratic presidencies hear between zero and five percent of civil cases.⁶ Tellingly, in the lone instance in which, against those stacked odds, Texas was assigned to a presiding judge appointed during a Democratic presidency, Texas immediately attempted to have the case transferred away from that judge.⁷

⁶ Appendix B accompanying this letter includes a chart identifying: the cases Texas has filed within the Texas federal district courts; the general topic of the case; the judge to whom the case was originally assigned; the percent of cases assigned to the judge to whom the case was assigned at the time of the assignment; and the percent of cases in that Division that, at the time of filing, were assigned to judges appointed during Republican presidencies.

⁷ See Order, *Texas v. Biden*, No. 22-cv-14 (N.D. Tex. Mar. 29, 2022), ECF No. 28 (declining to transfer case subsequent to Plaintiffs amending civil cover sheet to claim relation to another case). Over one year after the court denied Texas's transfer effort, the case has hardly advanced, "remain[ing] in the very preliminary stages" and requiring the court to order the parties to either proceed with the matter or dismiss. *Id.* ECF No. 102 (July 20, 2023).

And precluding judges appointed during Democratic presidencies has only been a part of Texas’s strategy; often, Texas files such that it is guaranteed, or all but guaranteed, a specific judge of its choosing. Specifically, Texas has filed almost 2/3 of its cases (22 of 34) in courts in which a single judge then received *at least 95 percent* of all of the division’s cases. And Texas filed 17 of those cases in a division where a single judge then received 100 percent of all new civil cases. Put another way, Texas has chosen its filing divisions in nearly three dozen cases such that it has usually known with near-100-percent certainty the precise judge who would preside, and in all of which Texas had *at least 19-in-20* odds of avoiding judges appointed during Democratic presidencies.

Looking at where Texas has *not* filed further illustrates Texas’s party-focused judge shopping. Perhaps no district is more intuitively appropriate for Texas to file suit in than Austin, the State’s capital, and the home of its Governor and Attorney General. To date Texas has filed **zero** lawsuits in Austin. This reticence to file at home appears to stem from the fact that half of Austin’s civil cases are assigned to a judge appointed during a Democratic presidency.⁸ Likewise, Texas has avoided filing in any of Texas’s largest cities whose divisions include significant percentages of cases being assigned to judges appointed during Democratic presidencies. The lone large city that Texas regularly files in is Fort Worth—mere miles from the State’s largest federal division in Dallas, but where, in contrast to Dallas, only three judges receive assignments (each of whom were appointed during a Republican presidency). Similarly, when filing border- or immigration-related cases, Texas has generally eschewed courthouses near the border but in which judges appointed during Democratic presidencies preside. In a particularly stark example, when challenging the end of the Remain in Mexico program—a program whose hearings were held in multiple cities with divisional courthouses—Texas instead filed in Amarillo, hundreds of miles away from any pertinent sites, but devoid of Texas’s disfavored judges.⁹

The strategy has worked exactly as Texas appears to intend. Only one of Texas’s 34 cases has been initially assigned to a judge appointed during a Democratic presidency and, as noted *supra*, Texas attempted to have that case transferred after assignment.

Lest the numbers leave any ambiguity, Texas has in fact confirmed in open court that its filing decisions are based on a desire to appear before individual judges.¹⁰ Simultaneously, Texas has declined to use the substantial, nationwide attention to its manipulation as a reason to alter its conduct. As discussed, *infra*, for months now, national and international media reports have reflected on Texas’s judge shopping, and in an oral argument in November 2022, U.S. Supreme Court Justice Kagan pointed out the same. Undeterred by that notoriety, Texas has filed

⁸ See Am. Order Assigning the Business of the Court, *supra* note 4.

⁹ *Texas v. Biden*, No. 21-cv-67-Z (N.D. Tex.). All cases in the Amarillo Division are assigned to a single federal judge such that litigants choosing Amarillo know in advance which judge they will, and thus which judges they will not, be assigned.

¹⁰ See Transcript, *Utah v. Walsh*, No. 2:23-cv-16-Z (N.D. Tex. Feb. 28, 2023), ECF No. 55-1, at 45 (“THE COURT: Well, I was going to ask you that question. Why are you filing in Victoria? MR. OLSON: The case is being filed in Victoria, quite frankly, Your Honor, because of our experience with you . . .”) *But see id.* at 22 (claiming in same hearing that “I will be quite frank, Your Honor, I don’t know why our office chooses to file in seven divisions over and over.”)

numerous cases since the dialogue began in earnest—all continuing to deploy the judge-shopping approach.¹¹

The result of Texas’s conduct is stark: Texas is demonstrating to the public an implication either that Texas does not believe in the impartiality of judges appointed during Democratic presidencies or that Texas believes in a useful partiality of judges appointed during Republican presidencies. Both malign the districts’ judges and the judiciary’s perceived impartiality generally.

C. Other Litigants Are Following Texas’s Lead

While Texas’s judge shopping alone is antithetical to principles on which random case assignment is based, its harm has been magnified as other litigants have adopted Texas’s practice.

1. The Mifepristone Case

Perhaps the most nationally recognized example of litigants adopting Texas’s judge shopping strategy is *Alliance for Hippocratic Medicine v. FDA*.¹² In that case, anti-choice advocacy groups have sought to block access nationwide to a medication first approved by the FDA nearly a quarter century prior. Despite challenging decades-old determinations made in Washington, D.C., and despite suing on behalf of, *inter alia*, two Tennessee-based organizations, and doctors in California, Michigan, and Indiana, Plaintiffs filed their suit in Amarillo, where all civil cases are assigned to a single judge.¹³

Judge shopping reasonably explains Plaintiffs’ basis for filing in Amarillo. Primarily, Plaintiffs claimed legally sufficient venue in Amarillo because the lead plaintiff alleges that the organization and its members reside there.¹⁴ That organization, however, is plainly a shell company that was apparently purposely incorporated for obtaining Amarillo as a venue.¹⁵

¹¹ Using Justice Kagan’s November 29, 2022 oral argument question as a reference point beyond which Texas’s judge shopping had gained significant notoriety, *see* Transcript at 93-94, *United States v. Texas*, 22-58 (U.S. Nov. 29, 2022), Texas has filed a further 14 cases since that question. All of the new cases have been consistent with Texas’s judge shopping strategy.

¹² No. 2:22-cv-223-Z (N.D. Tex.).

¹³ *See* Compl. ¶¶ 32-40 (identifying Plaintiffs).

¹⁴ *See id.* ¶ 31 (claiming venue first because Amarillo is where the lead plaintiff org is situated). Plaintiffs’ other claimed tie to Amarillo consisted of a single Amarillo-based doctor who purported to sue on behalf of his past and future patients based on having treated a single patient for complications of a medication-based abortion, without claiming it was the challenged medication, once in the 23-year history of the medicine at issue. *Accord* Compl. 31 (relying upon residence of a Dr. Jester as part of basis for venue) *with* Compl. ¶ 37 (noting same doctor has treated “one woman who suffered an adverse event from a chemical abortion” (emphasis added)).

¹⁵ *See The Shadow Medical Community behind the Attempt to Ban Medication Abortion*, *The Intercept* (Feb. 28, 2023), <https://theintercept.com/2023/02/28/medication-abortion-lawsuit/> (detailing how lead Plaintiffs’ “incorporation documents . . . provide further evidence that the plaintiffs cherry-picked a court they believed would be amenable to their arguments.....”) *Cf. also see also* <https://allianceforhippocraticmedicine.org/> (last accessed July 19, 2023) (website for organization identifying neither staff members nor contact information).

The shell organization was first registered in Texas in August 2022, fewer than three months prior to the lawsuit.¹⁶ The organization’s registration provides a Tennessee address for its mailing address. Its registration and website identify no physical presence within Texas, let alone Amarillo.¹⁷ Instead, the organization ties itself to Amarillo by listing as its address the address of a law firm in Amarillo whose website makes no reference to the organization’s existence.¹⁸ The organization is plainly a tool of Tennessee-based activists who targeted a particular judge over 1,000 miles away.

2. Oklahoma Lawsuit

Other state governments have also seen fit to follow Texas’s lead. In *Oklahoma v. Tellez*, the State of Oklahoma sought to require that a person imprisoned in Louisiana in the custody of the federal Bureau of Prisons be transferred to state custody in Oklahoma.¹⁹ Rather than file in Oklahoma or Louisiana, Oklahoma filed that lawsuit in Wichita Falls, Texas, where a single judge presides over all civil cases.²⁰

Oklahoma offered no explanation for why it had declined to file in Oklahoma, where plaintiffs reside, or Louisiana, where the person is detained and the primary custodian resides.²¹ And Oklahoma’s justification for its Wichita Falls venue fails adequately to explain its selection of venue: Oklahoma noted that it had sued Northern District of Texas-based Bureau of Prison officials in addition to the Louisiana-based immediate custodian of the person and claimed that its choice of Wichita Falls was simply because Wichita Falls is approximately halfway between (some unspecified location in) the Northern District of Texas and (some also unspecified location in) Oklahoma.²²

3. Anti-Vaccine Lawsuit

Texas’s conduct has not only inspired groups focusing on federal government policies. As evinced by *Children’s Health Defense v. The Washington Post*, private actors with no unique ties to divisions in Texas are also engaged in judge shopping.²³ In that case, Plaintiffs filed in

¹⁶ Taxable Entity Search, Tex. Comptroller of Public Accounts, <https://mycpa.cpa.state.tx.us/coa/coaSearchBtn> (last accessed July 19, 2023) (search for “Alliance for Hippocratic Medicine” and select “Details” for lone search result).

¹⁷ See *id.*; see also <https://allianceforhippocraticmedicine.org/> (last accessed July 19, 2023) (listing no contact information, including address).

¹⁸ Compare Taxable Entity Search, *supra* note 16 (listing Leah Davis and 500 S. Taylor, Suite 900, Amarillo, Texas as “Registered Agent” and “Registered Office Street Address”) with website of Morgan Williamson LLP, <https://www.bmwb-law.com/leah-davis.html> (identifying same name and address as a partner at the firm) (last visited July 26, 2023). See also <https://allianceforhippocraticmedicine.org/> (last accessed July 19, 2023) (listing no contact information, including address).

¹⁹ See *Oklahoma v. Tellez*, No. 7:22-cv-108-O, 2022 WL 17069132, at *1 (N.D. Tex. Nov. 17, 2022) (noting Plaintiff State of Oklahoma seeks transfer in custody of individual held in Pollock, Louisiana).

²⁰ Special Order No. 3-343 (N.D. Tex. Sep. 14, 2022), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-343.pdf>.

²¹ See *generally* Compl., No. 7:22-cv-108-O, ECF No. 1 (N.D. Tex. Oct. 25, 2022).

²² See *id.* ¶ 5. Risible as that venue explanation is, it even folds on its own merit, as no explanation was given why choosing the halfway point between Northern District-based Defendants and Oklahoma made sense given the presence of a Louisiana-based Defendant.

²³ See *generally* Compl., No. 2:23-cv-4-Z, ECF No. 1 (N.D. Tex. Jan. 10, 2023).

Amarillo a lawsuit alleging that three global news companies had wronged Plaintiffs by declining to endorse Plaintiffs’ anti-vaccine beliefs in their reporting. Plaintiffs made no attempt to identify a particular connection to the state of Texas, let alone the district or Amarillo division. No Plaintiff in the case resides in Texas.²⁴ Similarly, no Defendant resides in Texas.²⁵

Instead, Plaintiffs simply averred that—as would seemingly be true in all 94 judicial districts—the Defendant international media companies transact business in the district (presumably, though unsaid, by virtue of their publications being available in print and online worldwide).²⁶ Plaintiffs also claimed that they had sufficient ties to the District because they post stories and social media on the internet and because they claim to have “numerous members and subscribers” throughout the District, including in Amarillo.²⁷ Even if Plaintiffs’ allegations may be statutorily sufficient, it would be a shocking coincidence for Plaintiffs to have randomly chosen a single-judge jurisdiction in northern Texas when the entire U.S. judicial system was of equal amenability. The choice was not random; it was judge shopping.

II. This Judge Shopping Harms the Courts

While the judiciary accepts as inevitable some degree of *forum* shopping, judge shopping has been “universally condemned.”²⁸ This condemnation stems from the fact that, allowing judge shopping, “would invite public skepticism about the ability to receive justice in our court system and would cheapen the judicial process.....”²⁹ Some of the universal aversion to judge shopping has actually come from within Texas’s district courts themselves.³⁰ For example, the Northern District of Texas has noted that judge shopping is “disrespectful to the court.”³¹

Texas itself publicly agrees that judge shopping is improper. For example, in March of 2021, Texas’s then-Attorney General³² issued a news release celebrating what his office

²⁴ *Id.* ¶¶ 39-109.

²⁵ *Id.* ¶¶ 110-13.

²⁶ *Id.* ¶ 117.

²⁷ *Id.* ¶ 118.

²⁸ *See, e.g., Disability Advocates & Counseling Grp., Inc. v. Betancourt*, 379 F. Supp. 2d 1343, 1344 (S.D. Fla. 2005) (noting that Plaintiffs’ conduct “violates the universally condemned practice of judge shopping”).

²⁹ Kimberly Jane Norwood, *Shopping for Venue: The Need for More Limits on Choice*, 50 U. Miami. L. Rev. 267, 300 (1996).

³⁰ *See, e.g., Herrera v. Michelin N. Am., Inc.*, Civ. No. B-07-114, 2009 WL 700645, at *7 n.4 (S.D. Tex. Mar. 16, 2009) (rejecting parties’ compromise over venue because “[i]t could easily lead to forum shopping and/or judge shopping”); *Egner v. Texas City Ind. Sch. Dist.*, 338 F. Supp. 931, 945 (S.D. Tex. 1972) (hesitating to ascribe to a litigant “the base motive of judge-shopping”).

³¹ *Arreola ex rel Vallejo v. City of Ft. Worth*, Civ. Action No. 4:17-cv-629-P, 2020 WL 3404120, at *3 n.2 (N.D. Tex. June 19, 2020) (describing allegations that litigant selectively filed and dismissed cases to obtain preferred judge); *see also id.* (quoting *Texas Lawyer’s Creed—A Mandate for Professionalism*, reprinted in Texas Rules of Court 735-37 (West 2018) (referencing lawyers’ obligations to “refrain from conduct that degrades” judges’ position as symbol of “the judicial system and administration of justice”).

³² Press Release, Attorney General of Texas, AG Paxton Leads Multistate Complaint Against the Biden Administration, Demanding the Reinstatement of the Keystone XL Permit, <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-leads-multistate-complaint-against-biden-administration-demanding-reinstatement-keystone> (Mar. 17, 2021). Subsequent to the press release, Mr. Paxton was suspended from serving as the Texas Attorney General pending his Texas Senate trial on 20 articles of impeachment.

described as “successfully stopp[ing] the Biden Administration’s judge-shopping efforts” in a federal circuit court challenge to an Environmental Protection Agency order. In its press release, Texas declared that, by rejecting an Administration request to transfer Texas’s challenge to the D.C. Circuit, the Fifth Circuit had “flatly rejected the Biden Administration’s judge-shopping efforts, marking this decision as an important victory for the people of Texas and the integrity of our legal system.”³³

Texas has also made clear that judge shopping is harmful regardless of the actual impartiality of the judges sought. In September of 2021, Texas’s then-Attorney General signed onto—and publicized—a bipartisan letter to Congress on behalf of the National Association of Attorneys General encouraging changes to the current bankruptcy venue statutes.³⁴ Primarily, Texas and the other Attorneys General contended that the current statutes enable forum shopping and emphasized the harms inherent in that:

The issues arising from such forum shopping are problematic enough standing alone; they provide a greater problem for the overall system in that, *no matter how fair the favored judges attempt to be in their rulings, the [forum selector’s] actions inevitably taint how other parties view them.* The results from a bankruptcy case are already hard enough to accept for a party that sees itself as victimized by the debtor; that *distrust can only be exacerbated if it sees the rulings as coming from a judge hand-picked by the [forum selector].* As such, we agree...that “reducing forum shopping in the bankruptcy system will strengthen the integrity of, and build public confidence and ensure fairness in, the bankruptcy system.”³⁵

Likewise, Texas has relied upon the need to avoid judge shopping as a means to support its preferred outcomes in challenges to Texas laws. Specifically, in 2018, Texas sought to persuade the Western District of Texas to reject a challenge to a judicial bypass provision of abortion restrictions on minors.³⁶ Texas contended that the law at issue properly required the minor to seek that bypass close to their residence specifically so that the law could “prevent[] entities like Plaintiffs from repeatedly seeking hearings before judges believed to be favorable to

Erica Pauda, *Attorney General Ken Paxton is now suspended without pay after impeachment*, KXAN, <https://www.kxan.com/news/texas-politics/former-attorney-general-ken-paxton-is-now-suspended-without-pay-after-impeachment/> (June 1, 2023).

³³Press Release, Attorney General of Texas, Paxton Secures Major Victory After Suing Biden’s EPA to Protect Texas’s Environmental Management, <https://www.oag.state.tx.us/news/releases/paxton-secures-major-victory-after-suing-bidens-epa-protect-texas-environmental-management#:~:text=In%20a%20case%20with%20wide,to%20properly%20manage%20its%20environment> (May 8, 2023).

³⁴Letter, National Association of Attorneys General, <https://www.texasattorneygeneral.gov/sites/default/files/images/branding/images/Bankruptcy-Venue-Reform-Act-of-2021-Endorsement-Final-1.pdf> (Nov. 9, 2021); *see also* Press Release, Attorney General of Texas, Paxton Joins Multistate Coalition to Stop Corporations from Forum Shopping, <https://www.texasattorneygeneral.gov/news/releases/paxton-joins-multistate-coalition-stop-corporations-forum-shopping> (Nov. 9, 2021).

³⁵*Id.* at 3 (emphasis added).

³⁶*See generally* *Defs.’ Mot. to Dismiss, Whole Woman’s Health Alliance v. Paxton*, NO. 1:18-cv-500-LV (W.D. Tex. Aug. 27, 2018), ECF No. 31-1.

their position but hav[ing] no connection with the minor or abortion clinic.”³⁷ Texas’s concerns about judge shopping cannot be limited only to situations in which the purported judge shopping is adverse to Texas’s litigation positions.

At least two U.S. Supreme Court justices have also recently voiced concern with judge shopping. First, in his 2021 Year-End Report on the Federal Judiciary, Chief Justice Roberts emphasized that “[d]ecisional independence is essential to due process, promoting impartial decision-making, free from political or extraneous influence.”³⁸ The Chief Justice, in that same report, specifically singled out the then-occurring, and since-remedied, phenomenon of judge shopping in the Western District of Texas’s patent docket. Chief Justice Roberts made clear that “the Judicial Conference has long supported the random assignment of cases and fostered the role of district judges as generalists capable of handling the full range of legal issues.”³⁹ The Chief Justice noted how “[r]econciling th[o]se values is important to public confidence in the courts.”⁴⁰

Subsequently, Justice Kagan has also questioned the propriety of judge shopping. Specifically, during oral argument for *United States v. Texas*, an appeal of one of Texas’s 34 judge-shopped lawsuits against the current administration, Justice Kagan questioned the acceptableness of litigants being able to secure nationwide injunctions in circumstances where the litigants are able to choose their specific trial judge.⁴¹

The insistence of certain litigants on judge shopping in the Texas federal courts has spurred a nationwide,⁴² and indeed international,⁴³ dialogue about the conduct transpiring in the Texas federal district courts. It has likewise generated interest from legislators.⁴⁴ Dozens of articles have appeared in recent months detailing the practices discussed above and their risks of undermining the public’s perceptions of the judiciary. Where commentators have sought to defend the practice, they have done so not by denying that judge shopping is occurring, but

³⁷ *Id.* at 75-76.

³⁸ Chief Justice John G. Roberts, Jr., *2021 Year-End Report on the Federal Judiciary* at 1 (Dec. 2021), <https://bit.ly/3IFzWoY>.

³⁹ *Id.* at 5.

⁴⁰ *Id.*

⁴¹ See Transcript at 93:25-94:11, *United States v. Texas*, No. 22-58 (Nov. 29, 2022), https://www.supremecourt.gov/oral_arguments/argument_transcripts/2022/22-58_4fc4.pdf (noting the “backdrop of th[e] case” entailed Texas getting to “pick your trial court judge [who] stops a federal immigration policy in its tracks”).

⁴² See, e.g., *Abortion pill ruling puts ‘judge shopping’ concerns back in spotlight*, CNBC (Apr. 12, 2023), <https://www.cnbc.com/2023/04/12/abortion-pill-ruling-puts-judge-shopping-concerns-back-in-spotlight.html>; Grace Benninghoff, *A Federal Judge in Amarillo Could Effectively Ban the Abortion Pill. Why Does He Get to Make the Call?*, Texas Monthly (Feb. 28, 2023), <https://www.texasmonthly.com/news-politics/amarillo-federal-judge-could-effectively-ban-abortion-pill/>.

⁴³ See, e.g., *The Shadow Medical Community behind the Attempt to Ban Medication Abortion*, *supra* note 16; see also *How ‘judge shopping’ led to a showdown over abortion drug mifepristone*, BBC (Apr. 15, 2023), <https://www.bbc.com/news/world-us-canada-65246823>; *Judge shopping: It’s all-American, but is it fair?*, France24 (Apr. 13, 2023), <https://www.france24.com/en/live-news/20230413-judge-shopping-it-s-all-american-but-is-it-fair>.

⁴⁴ See, e.g., Letter from Sen. Maj. Leader Charles E. Schumer to the Hon. David C. Godbey (Apr. 27, 2023), https://www.democrats.senate.gov/imo/media/doc/following_devastating_decisions_on_abortion_lgbt_protections_and_immigration_majority_leader_schumer_pushes_to_end_contemptible_practice_of_texas_forum_shopping.pdf.

rather by simply saying that the litigants are acting within the courts' current rules and have incorrectly asserted that identical conduct occurred regularly in challenges to the preceding presidential administration.⁴⁵

III. Simple Alteration of the Courts' or Judges' Rules Could Immediately End Judge Shopping

As extensive as the misuse of the courts' standing orders regarding case assignments presently is, the solutions are quite straightforward. The judges of these courts could put an end to the misuse of the courts' assignment procedures by altering the districts' standing orders to provide for random, district-wide assignment of a discrete classes of cases: 1) those brought on behalf of a state government, official, or agency; 2) cases seeking to enjoin, set aside, or vacate federal government statutes or administrative agency actions; 3) cases in which no party alleges a particularized connection to the division in which the matter is filed; and 4) cases in which a party seeks relief extending beyond the parties to the instant litigation. The judges of these courts plainly possess the authority to circumscribe judge shopping by virtue of the same authority under which these courts already promulgate case assignment rules.⁴⁶ A simple majority vote of these courts' judges would suffice to alter those arrangements.⁴⁷ In the interim or alternatively, each individual judge is able to proactively discourage the practice by scrutinizing those cases before them lacking a particularized connection to the forum division.

This Court would not be required to break new ground to discourage judge shopping. One of the Texas district courts, the courts' sister districts, and a division within the State provide salient examples.

Previously, the Western District of Texas drew significant attention for allegations that patent owners were judge shopping by seeking a specific judge in the Western District, using the same division-based assignment practices.⁴⁸ Thereafter, the Western District modified its case assignment practices, requiring that "all civil cases involving patents" would henceforth "be randomly assigned" among 12 judges spread throughout the district's divisions, substantially decreasing litigants' abilities to choose their own presiding judge.⁴⁹

⁴⁵ See, e.g., Camilo Montoya-Galvez, *Republican States' Lawsuits Derail Biden's Major Immigration Policy Changes*, CBS News (July 22, 2022), <https://www.cbsnews.com/news/immigration-biden-republican-states-lawsuits/> (quoting then-Arizona Attorney General claiming it was hypocritical for Democratic officials to criticize Republican lawsuits); Taylor Goldenstein, *Paxton's Legal Tactic: Find the Right Judge*, Houston Chron., 2022 WLNR 13068986 (Apr. 23, 2022) (quoting Texas judge shopping defender claiming judge shopping to be "long-standing, across-the-board tactic"). See also Steve Vladeck, 18. *The Growing Abuse of Single-Judge Divisions*, One First (Mar. 13, 2023), <https://stevevladeck.substack.com/p/18-shopping-for-judges> (refuting claim that lawsuits against Trump Administration policies used same judge-shopping tactic as Texas).

⁴⁶ See 28 U.S.C. § 137(a) (authorizing courts to issue rules dividing court business); see also Fed. R. Civ. P. 83 (allowing district courts to issue rules via a majority vote of district's judges).

⁴⁷ Fed. R. Civ. P. 83(a)(1).

⁴⁸ See, e.g., Samantha Handler, *Patent Plaintiffs Scrambling After Texas Court Cools Hotspot*, Bloomberg Law (July 27, 2022), <https://news.bloomberglaw.com/ip-law/patent-plaintiffs-scrambling-after-texas-court-cools-hotspot>.

⁴⁹ See generally Order Assigning the Business of the Court as it Relates to Patent Cases (W.D. Tex. July 25, 2022), <https://www.txwd.uscourts.gov/wp-content/uploads/Standing%20Orders/District/Order%20Assigning%20the%20Business%20of%20the%20Court%20as%20it%20Relates%20to%20Patent%20Cases%20072522.pdf>.

So too have several sister districts already provided exceptions to their ordinary assignment practices based either on the litigants involved or the topic of the litigation. The District of Nebraska exemplifies the litigant-based assignment approach. In any case within the District of Nebraska against the State of Nebraska or its agencies or employees, the District provides by standing order that for the “random[] and equitabl[e]” assignment of cases among all of the District’s judges “without regard to [the judge’s] duty station and without regard to the place of trial designated by the plaintiff.”⁵⁰ The assigned judge is then provided the discretion to decide in which division to try the case with a suggestion to consider the convenience of litigants before so determining. Juries remain tied to the original division of the filing. The District of Maine likewise uses a litigant-based exception to its ordinary assignment rules.⁵¹

The District of Montana employs a case-category-based exemption to its otherwise-applicable case assignment practices, relying on the topic of a lawsuit instead of its litigants. Like the Texas district courts, the District of Montana ordinarily assigns cases based upon the division in which a complaint is filed.⁵² However, any civil case that concerns “reapportionment, voting rights, campaign finance or disclosure laws, or otherwise relat[es] to elections,” is instead randomly assigned among four different judges “[r]egardless of the division of filing.....”⁵³ The District of Montana’s rules thus preclude litigants from taking advantage of the District’s single-judge divisions to select their preferred judge in any election-related case. The Northern District of California also provides for topic-based district-wide assignments.⁵⁴

Apart from these district-wide solutions, the individual judges of the divisions themselves can seek to rein in parties’ abuses. The Galveston Division of the Southern District of Texas, in which only a single judge receives civil cases, has adopted a rule taking just such an approach. Specifically, in February of this year, Judge Jeffrey V. Brown of the Galveston Division issued a rule noting the court’s awareness that “[o]ccasionally, plaintiffs file matters in the Galveston Division with no factual nexus to the division” and stating the court’s intent to screen for such cases and to require briefing on whether the court “should transfer [such cases] to a more appropriate division under 28 U.S.C. § 1404.”⁵⁵ Notably, none of Texas’s five ensuing lawsuits since that order have been filed in Galveston, where Texas filed almost one-in-six of its

⁵⁰ *In the matter of the creation of the Nebraska Docket*, Standing Order No. 02:09 (D. Neb. Nov. 6, 2002), <https://www.ned.uscourts.gov/internetDocs/pom/orders/SO.02-09.pdf>. The district-wide assignment rule also applied for a period of time to civil cases in which the United States of America was a plaintiff. *In the matter of expansion of the Nebraska Docket*, Standing Order No. 2003-06 (D. Neb. Aug. 1, 2003), *rescinded* Aug. 6, 2004, <https://www.ned.uscourts.gov/internetDocs/pom/orders/SO.03-06.pdf>.

⁵¹ Local Rule 3(b) <https://www.med.uscourts.gov/sites/med/files/LocalRules.pdf> (requiring district-wide assignment of all cases “arising out of [the county in which Maine’s capital sits], in which the State of Maine is either a plaintiff or a defendant”).

⁵² *See generally In re: Assignment of Cases* ¶¶ 2-7, Standing Order No. BMM-23 (D. Mont. Dec. 27, 2022), https://www.mtd.uscourts.gov/sites/mtd/files/SO_BMM-23.pdf.

⁵³ *Id.* ¶ 1.

⁵⁴ *See* General Order No. 44 Assignment Plan ¶ D.3. (N.D. Cal. Jan. 1, 2018), https://www.cand.uscourts.gov/wp-content/uploads/general-orders/GO_44_01-01-2018.pdf (requiring district-wide assignment of prisoner petitions, bankruptcy, intellectual property, Social Security, federal tax, antitrust, and securities class actions). The Northern District also requires that the ordinary case assignment process be done “so as to reasonably avoid prediction of the results of any case assignment....” *Id.* D.2.c.


⁵⁵ Galveston Div. Rules of Practice 16, <https://www.txs.uscourts.gov/sites/txs/files/GalvestonDistrictCourtRulesofPractice.pdf>.

challenges before the Galveston Division rule change. While a district-wide rule is needed to prevent Texas and its followers from simply removing an individual division from their rotation, this division-focused rule is also a welcome step.

IV. Conclusion

The rampant and unabated judge shopping occurring within Texas's federal district courts is plainly against the interests of these courts and both the broader judiciary and the public interest generally. The State of Texas and those following its lead have made clear that they will not alter their behavior willingly. We respectfully request that these courts close the loopholes that these litigants continue to exploit and to require that cases of broader impact be assigned district-wide. We thank these courts for their attention to this matter. Should you have any questions about this letter, please don't hesitate to contact me directly at (213) 789-6817, extension 1012, or at matos@nilc.org.

Respectfully,

A handwritten signature in blue ink that reads "Kica Matos". The signature is written in a cursive style and is underlined with a blue line.

Kica Matos
President
National Immigration Law Center

Along with the following Undersigned Organizations

American Federation of Teachers
Catholics for Choice
Impact Fund
NARAL Pro-Choice America
National Immigrant Justice Center
People For the American Way
Project On Government Oversight
Reproaction

APPENDIX A

Texas Federal District Court Division-of-Work Orders in Effect During Relevant Timeframes

Northern District

- Dallas Division
 - June 5, 2023 – present
 - Special Order No. 3-349 (N.D. Tex. June 5, 2023), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-349.pdf>
 - December 7, 2022 -- June 4, 2023
 - Special Order No. 3-346 (N.D. Tex. Dec. 7, 2022), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-346.pdf>
 - September 8, 2022 – December 6, 2022
 - Special Order No. 3-342 (N.D. Tex. Sep. 8, 2022), <https://www.txnd.uscourts.gov/sites/default/files/orders/03-342.pdf>
 - July 5, 2021 – September 7, 2022
 - Special Order No. 3-340 (N.D. Tex. June 21, 2021), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-340.pdf>
 - September 28, 2020 – July 4, 2021
 - Special Order No. 3-339 (N.D. Tex. Sept. 28, 2020), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-339.pdf>
- Fort Worth Division
 - January 1, 2023-present
 - Special Order No. 3-347 (N.D. Tex. Dec. 14, 2022), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-347.pdf>
 - May 25, 2020 – December 31, 2022
 - Special Order No. 3-337 (N.D. Tex. May 25, 2020), <https://www.txnd.uscourts.gov/sites/default/files/orders/SO3-337.pdf>
- Lubbock, Abilene, and San Angelo Divisions
 - September 14, 2022 – present
 - Special Order No. 3-345 (N.D. Tex. Sep. 14, 2022), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-345.pdf>

- August 9, 2019 – September 13, 2022
 - Special Order No. 3-330 (N.D. Tex. Aug. 9, 2019), <https://www.txnd.uscourts.gov/sites/default/files/orders/03-330.pdf>
- Amarillo Division
 - September 14, 2022 – present
 - Special Order 3-344 (N.D. Tex. Sep. 14, 2022), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-344.pdf>
 - July 3, 2019 – September 13, 2022
 - Special Order 3-327 (N.D. Tex. July 3, 2019), <https://www.txnd.uscourts.gov/sites/default/files/orders/03-330.pdf>
- Wichita Falls Division
 - September 14, 2022 – present
 - Special Order No. 3-343 (N.D. Tex. Sep. 14, 2022), <https://www.txnd.uscourts.gov/sites/default/files/orders/3-343.pdf>
 - November 29, 2016 – September 13, 2022
 - Special Order No. 3-310 (N.D. Tex. Nov. 29, 2016), <https://www.txnd.uscourts.gov/sites/default/files/orders/03-310.pdf>

Eastern District

- January 6, 2023 – present
 - General Order Assigning Civil and Criminal Actions, Gen. Order 23-01 (Jan. 6, 2023), <http://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2023-01%20Assigning%20Civil%20and%20Criminal%20Actions.pdf>
- September 13, 2022 – January 5, 2023
 - General Order Assigning Civil & Criminal Actions, Gen. Order 22-07 (Sep. 13, 2022) <https://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2022-07%20Assigning%20Civil%20and%20Criminal%20Actions.pdf>
- January 1, 2022 – September 12, 2022
 - General Order Assigning Civil & Criminal Actions, Gen. Order 21-19 (Dec. 16, 2021) <https://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2021-19%20Assigning%20Civil%20and%20Criminal%20Actions.pdf>
- December 10, 2021 – December 31, 2021

- General Order Assigning Civil & Criminal Actions, Gen. Order 21-18 (Dec. 10, 2021),
<https://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2021-18%20Assigning%20Civil%20and%20Criminal%20Actions.pdf>
- April 30, 2021 – December 9, 2021
 - General Order Assigning Civil & Criminal Actions, Gen. Order 21-08 (Apr. 30, 2021),
<https://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2021-08%20Assigning%20Civil%20and%20Criminal%20Actions.pdf>.
- June 15, 2020 – April 30, 2021
 - General Order Assigning Civil & Criminal Actions, Gen. Order 20-14 (June 15, 2020),
<https://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2020-14%20Assigning%20Criminal%20and%20Civil%20Actions.pdf>

Southern District

- **Note:** The internet addresses provided for the Southern District Orders automatically trigger a download of a PDF copy of the corresponding court order
 - June 8, 2023 – present
 - Third Am. Division of Work Order for 2023, Gen. Order 2023-10 (S.D. Tex. May 23, 2023),
<https://www.txs.uscourts.gov/file/7110/download?token=uzgDcYrn>
 - March 27, 2023 – June 7, 2023
 - Second Am. Division of Work Order for 2023, Gen. Order 2023-6 (S.D. Tex. March 27, 2023),
<https://www.txs.uscourts.gov/file/6735/download?token=X4Tdn3Nu>
 - Feb. 12, 2023 – March 26, 2023
 - Am. Division of Work Order for 2023, Gen. Order 2023-3 (S.D. Tex. Feb. 10, 2023)
<https://www.txs.uscourts.gov/file/6704/download?token=H4M-1bD7>
 - January 1, 2023 – Feb. 11, 2023
 - Division of Work Order for 2023, Gen. Order 2023-1 (S.D. Tex. Dec. 30, 2022),
<https://www.txs.uscourts.gov/file/6685/download?token=KGTaAEc9>
 - July 1, 2022 – December 31, 2022
 - Third Am. Division of Work Order for 2022, Gen. Order 2022-13 (S.D. Tex. June 30, 2022),
<https://www.txs.uscourts.gov/file/6532/download?token=jQaaRfvg>.

- April 11, 2022 – June 30, 2022
 - Second Am. Division of Work Order for 2022, Gen. Order 2022-8 (S.D. Tex. Apr. 11, 2022),
<https://www.txs.uscourts.gov/file/6408/download?token=rbaJpcjK>.
- April 1, 2022 – April 10, 2022
 - Am. Division of Work Order for 2022, Gen. Order 2022-6 (S.D. Tex. Mar. 31, 2022),
<https://www.txs.uscourts.gov/file/6406/download?token=8LA7NKhC>
- January 1, 2022 – March 31, 2022
 - Division of Work Order, Gen. Order 2022-1 (S.D. Tex. Dec. 30, 2021),
<https://www.txs.uscourts.gov/file/6352/download?token=GxFxj2EG>.
- June 1, 2021 – December 31, 2021
 - Third Am. Division of Work Order, Gen. Order 2021-10 (S.D. Tex. May 27, 2021),
<https://www.txs.uscourts.gov/file/6043/download?token=RxHEyGlv>.
- April 1, 2021 – May 31, 2021
 - Second Am. Division of Work Order, Gen. Order 2021-7 (S.D. Tex. Apr. 1, 2021),
<https://www.txs.uscourts.gov/file/5973/download?token=qYAcMMSQ>
- March 4, 2021 – March 31, 2021
 - Am. Division of Work Order, Gen Order 2021-4 (S.D. Tex. Mar. 4, 2021),
<https://www.txs.uscourts.gov/file/5908/download?token=hyDceGID>.
- January 1, 2021 – March 3, 2021
 - Division of Work Order, Gen. Order 2021-1 (S.D. Tex. Dec. 31, 2020),
<https://www.txs.uscourts.gov/file/5798/download?token=dDvvri0x>.

Western District

- May 1, 2023 – present
 - Amended Order Assigning the Business of the Court (W.D. Tex. May 1, 2023),
<https://www.txwd.uscourts.gov/wp-content/uploads/2022/12/AmendedOrderAssigningBusinessoftheCourt-050123-Updated.pdf>
- May 10, 2021 – April 30, 2023
 - Amended Order Assigning the Business of the Court (W.D. Tex. May 10, 2021),
<https://www.txwd.uscourts.gov/wp-content/uploads/Standing%20Or>

[ders/District/Amended%20Order%20Assigning%20Business%20of%20the%20Court%20051021.pdf](https://www.txwd.uscourts.gov/wp-content/uploads/Standing%20Orders/District/Amended%20Order%20Assigning%20Business%20of%20the%20Court%20051021.pdf).

- Mar. 8, 2021 – May 10, 2021
 - Amended Order Assigning the Business of the Court (W.D. Tex. Mar. 8, 2021),
<https://www.txwd.uscourts.gov/wp-content/uploads/Standing%20Orders/District/Amended%20Order%20Assigning%20Business%20of%20the%20Court%20030821.pdf>.

APPENDIX B

List of Texas Challenges to Federal Policy in Texas District Courts

Case name (in order of filing date)	Case Number	Policy or Action Challenged	Original Filing Div. (District)	Original Presiding Judge	President's Party at Judge's Appointment (President)	Number of Judges in Div. Receiving New Civil Cases	Percentage of Div.'s New Civil Cases Assigned to Judges Appointed During Republican Presidencies ¹	Date Filed	Link to Complaint
Texas v. United States	6:21-cv-3	Temporary deportation moratorium	Victoria (S.D.)	Tipton	Republican (Trump)	1	100	1/22/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/1%20Complaint_0.pdf
Texas v. Biden	3:21-cv-65	Revocation of permit for building pipeline	Galveston (S.D.)	Brown	Republican (Trump)	1	100	03/17/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/TX%20v.%20Biden%20Complaint.pdf

¹ Percentages and number of judges reflect those in effect at the time of the case-at-issue's filing. See generally Appendix B (identifying orders dividing courts' work).

Texas v. United States	6:21-cv-16	Memorandum establishing DHS enforcement priorities	Victoria (S.D.)	Tipton	Republican (Trump)	1	100	4/6/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/Texas%20v.%20United%20States%20Complaint%2020210406%20(file%20stamped).pdf
Texas v. Biden	2:21-cv-67	Termination of Migrant Protection Protocols	Amarillo (N.D.)	Kacsmaryk	Republican (Trump)	2	95	4/13/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/Complaint.pdf
Texas v. Biden	4:21-cv-579	Certain exceptions to policy expelling persons pursuant to public health directive	Ft. Worth (N.D.)	Pittman	Republican (Trump)	3	100	4/22/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/admin/COVID-19%20Complaint.pdf

Texas v. Yellen	2:21-cv-79	Statutory limitation on use of funds in COVID-19 legislation	Amarillo (N.D.)	Kacsmaryk	Republican (Trump)	2	95	5/3/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/20210503_1%20Complaint.pdf
Texas v. Brooks-Lasure	6:21-cv-191	Rescission of Medicaid program waiver	Tyler (E.D.)	Barker	Republican (Trump)	2	100	5/14/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/Texas%20v.%20Richter%20--%20Complaint.pdf
Texas v. EEOC	2:21-cv-194	Guidance regarding application of nondiscrimination laws	Amarillo (N.D.)	Kacsmaryk	Republican (Trump)	2	95	9/20/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/EEOC%20complaint%20filed.pdf

Missouri v. Biden	7:21-cv-420 (originally 6:21-cv-52) ²	Termination of certain border wall construction	Victoria (S.D.)	Tipton	Republican (Trump)	1	100	10/21/2021	https://www.texasattorneygeneral.gov/sites/default/files/global/images/Complaint%20-%20MO-TX%20v.%20Biden%20(Border%20Wall%20Construction).pdf
Texas v. Biden	3:21-cv-309	COVID-19 vaccine mandate for federal contractors	Galveston (S.D.)	Brown	Republican (Trump)	1	100	10/29/2021	https://www.texasattorneygeneral.gov/sites/default/files/global/images/20211029_TX%20v.%20Biden%20et%20al%20(file%20marked).pdf
Texas v. Becerra	2:21-cv-229	COVID-19 vaccine mandate for certain healthcare professionals	Amarillo (N.D.)	Kacsmaryk	Republican (Trump)	2	95	11/15/2021	https://www.texasattorneygeneral.gov/sites/default/files/global/images/20211115%20001%20Original%20Complaint.pdf

Texas v. Becerra	5:21-cv-300	COVID-19 vaccine mandate for Head Start programs	Lubbock (N.D.)	Hendrix	Republican (Trump)	3	97	12/10/2021	https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/Head%20Start%20Complaint%20Filed.pdf
Abbott v. Biden	6:22-cv-3	COVID-19 vaccine mandate for National Guard members	Tyler (E.D.)	Barker	Republican (Trump)	2	100	1/4/2022	https://www.texasattorneygeneral.gov/sites/default/files/global/images/Abbott%20v%20Biden%20-%20Complaint.pdf
Texas v. Biden	3:22-cv-780 (originally 2:22-cv-14) ³	Central American Minors Program	Amarillo (N.D.)	Lynn	Democrat (Clinton)	2	95	1/28/2022	https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/CAM%20Program%20Complaint.pdf

Texas v. Biden	6:22-cv-4	Increased minimum wage for federal contractors	Victoria (S.D.)	Tipton	Republican (Trump)	1	100	2/10/2022	https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/Fed%20Contractors%20Lawsuit%20Original%20Complaint.pdf
Van Dyne v. CDC	4:22-cv-122	Requiring masks for public transportation	Ft. Worth (N.D.)	O'Connor	Republican (G.W. Bush)	3	100	2/16/2022	https://www.texasattorneygeneral.gov/sites/default/files/global/Original%20Complaint_FILE%20MARKED.pdf
Paxton v. Richardson	4:22-cv-143	Regulation of firearm suppressors	Ft. Worth (N.D.)	Pittman	Republican (Trump)	3	100	2/24/2022	https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/Lawsuit%20BATFE.pdf

Texas v. Walensky	6:22-cv-13	Termination of policy expelling persons pursuant to public health directive	Victoria (S.D.)	Tipton	Republican (Trump)	1	100	4/22/2022	https://www.texasattorneygeneral.gov/sites/default/files/files/branding/files/20220422_1-0_Complaint.pdf
Texas v. Mayorkas	2:22-cv-94	Changes to credible fear screening of asylum seekers	Amarillo (N.D.)	Kacsmaryk	Republican (Trump)	2	95	4/28/2022	https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/Texas%20v.%20Biden%20(Asylum%20Rule%20Complaint)%20(as-filed%2004.28.2022).pdf
Texas v. Becerra	5:22-cv-185	Abortion guidance	Lubbock	Hendrix	Republican (Trump)	3	97	7/14/2022	https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/20220714_1-0_Original%20Complaint%20Biden%20Admin.pdf

Texas v. Becerra	3:22-cv-419	"SOGI Rule" in foster care and adoption services	Galveston (S.D.)	Brown	Republican (Trump)	1	100%	12/12/2022	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Filed%20New%20SOGI%20Complaint.pdf
Texas v. Mayorkas	6:23-cv-1	Public Charge	Victoria (S.D.)	Tipton	Republican (Trump)	1	100%	1/5/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Public%20Charge%20Complaint%20-%20File%20Stamped%20Copy_0.pdf
Texas v. EPA	3:23-cv-17	expanded definition of "waters of the United States"	Galveston (S.D.)	Brown	Republican (Trump)	1	100%	1/18/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Texas%20WOTUS%20Complaint.pdf

Texas and Oklahoma v. HHS	4:23-cv-66	WHO's power to invoke emergency health powers	Fort Worth (N.D.)	Means	Republican (G.W. Bush)	3	100%	1/18/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/WHO%20Complaint%20for%20submission.pdf
Texas et al v. DHS	6:23-cv-7	Parole program for people from Haiti, Nicaragua, and Venezuela	Victoria (S.D.)	Tipton	Republican (Trump)	1	100%	1/24/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Complaint%20-%20Filed.pdf
Texas et al v. Walsh	2:23-cv-16-Z	DOLS's prioritization of "woke" Environmental, Social, and Governance investing in retirement	Amarillo (N.D.)	Kacsmaryk	Republican (Trump)	1	100%	1/26/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/2023.01.26_1%20Complaint.pdf

Texas v. Becerra	7:23-cv-22	Withholding of federal funding tied to availability of OTC abortion medications in pharmacies	Midland (W.D.)	Counts	Republican (Trump)	1	100%	02/07/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Filed%20Complaint.pdf
Texas v. ATF	6:23-cv-13	Redefining pistols with a stabilizing brace as "short-barreled rifle", which would require owners to register their guns with the federal government	Victoria (S.D.)	Tipton	Republican (Trump)	1	100%	2/9/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Complaint.pdf
Texas v. DOJ	5:23-cv-34-H	Quorum rules + voting by proxy re: Consolidated Appropriations Act of 2023	Lubbock (N.D.)	Hendrix	Republican (Trump)	2	100%	2/15/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Quorum%20Clause%20Complaint.pdf

Texas v. Department of Interior	7:23-cv-47	Designation of the Lesser Prairie-Chicken as an endangered species	Midland (W.D.)	Counts	Republican (Trump)	1	100%	3/21/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/State's%20Complaint.pdf
Texas v. Brooks-LaSure	6:23-cv-161	Private Medicare hold-harmless agreements	Tyler (E.D.)	Kernodle	Republican (Trump)	2	100%	4/5/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Complaint_0.pdf
Texas v. Mayorkas	2:23-cv-24	CBPOne App	Del Rio (W.D.)	Moses	Republican (G.W. Bush)	1	100%	5/23/2023	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Original%20Complaint.pdf

Texas v. IRS	6:23-cv-406	Child support funding + termination of contractor access to data	Waco (W.D.)	Albright	Republican (Trump)	1	100%	5/25/23	https://www.texasattorneygeneral.gov/sites/default/files/images/press/Complaint_1.pdf
Texas v. Cardona	4:23-cv-00604-Y	Title IX interpretation + protections for transgender students	Fort Worth (N.D.)	Means	Republican (G.W. Bush)	3	100%	6/14/23	https://www.texasattorneygeneral.gov/sites/default/files/images/press/2023/docs/filed%20Title%20IX%20complaint.pdf