

IN THE SUPREME COURT OF THE UNITED STATES

No. 18-587

DEPARTMENT OF HOMELAND SECURITY,
ET AL., PETITIONERS

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 18-588

DONALD J. TRUMP, PRESIDENT OF THE UNITED
STATES, ET AL., PETITIONERS

v.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, ET AL.

ON WRIT OF CERTIORARI BEFORE JUDGMENT
TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-589

KEVIN K. MCALEENAN, ACTING SECRETARY OF
HOMELAND SECURITY, ET AL., PETITIONERS

v.

MARTIN JONATHAN BATALLA VIDAL, ET AL.

ON WRIT OF CERTIORARI BEFORE JUDGMENT
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

RESPONSE TO MOTION FOR EXPANDED ARGUMENT

Pursuant to Rules 21.4 and 28.4 of the Rules of this Court, the Solicitor General, on behalf of petitioners, respectfully submits this response to the State of Texas's motion for expanded argument in this case. This dispute concerns the policy of immigration enforcement discretion known as Deferred Action for Childhood Arrivals (DACA). In September 2017, the Department of Homeland Security (DHS) instituted an orderly wind-down of the DACA policy. The questions presented are (1) whether DHS's decision to wind down the DACA policy is judicially reviewable and (2) whether DHS's decision to wind down the DACA policy is lawful. The government argues that the decision is not judicially reviewable under the Administrative Procedure Act, 5 U.S.C. 701 et seq., and that DHS's decision is lawful in any event. Texas has filed an amicus brief arguing that DHS's decision is judicially reviewable, but agreeing with the government that the decision is lawful. Texas now moves the Court to expand the oral argument to allow Texas ten minutes of argument time.

Because Texas supports respondents on one question presented (reviewability) and supports petitioners on the other question (lawfulness of the rescission), the government opposes any change in the allotted argument time that would result either in a reduction in the government's allotted 30 minutes of argument time or in the government's receiving less time than respondents. The

government does not understand Texas to be making any such request, but to be asking only that ten additional minutes be added to the argument to enable its participation. Accordingly, as stated in Texas's motion, the government neither consents to nor opposes that request.

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

SEPTEMBER 2019