

IN THE SUPREME COURT OF THE UNITED STATES

REPRESENTATIVE RYAN GUILLEN, ET AL., APPLICANTS

v.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL.

SECOND SUPPLEMENTAL MEMORANDUM REGARDING EMERGENCY APPLICATION
FOR A STAY PENDING APPEAL OR, IN THE ALTERNATIVE,
PENDING DISPOSITION OF A PETITION FOR A WRIT OF MANDAMUS

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The government's supplemental memorandum stated (at 2) that the government would inform the Court of any developments related to the timing of the depositions at issue in this application. The government respectfully submits this memorandum to advise the Court of the current status of those depositions.

As recounted in earlier filings, this application arises from consolidated suits filed by the United States and private respondents alleging that, as relevant here, Texas's State House redistricting plan violates Section 2 of the Voting Rights Act, 52 U.S.C. 10301. The United States sought to depose three state legislators who represent districts relevant to those claims. Those legislators (applicants here) moved to quash the deposition subpoenas based on the state legislative privilege. The three-judge district court denied the motion to quash and the Fifth

Circuit denied applicants' request for a stay pending appeal. Appl. App. 1-17; Gov't Stay Opp. 4-12.

On May 21, 2022, applicants filed the stay application at issue here. On May 23, the United States and private respondents filed opposition briefs. Shortly after those filings, the district court issued an opinion dismissing many of the claims asserted by the United States and private respondents. Gov't Supp. Mem. App. 1a-61a. The court stated that all plaintiffs "shall have fourteen days to amend their complaints." Id. at 60a.

In light of the district court's decision, the United States and the private respondents postponed two depositions that had been scheduled for May 24 and 25: (1) the deposition of Representative Guillen, who represents House District 31, and (2) the deposition of Representative Lujan, who represents House District 118. The third scheduled deposition -- of Representative Landgraf, who represents House District 81 -- had already been postponed for unrelated scheduling reasons. Gov't Supp. Mem. 2.

Earlier today, after conferring with counsel for applicants and the other parties, the United States rescheduled Representative Landgraf's deposition for June 23, 2022. Representative Landgraf's testimony is relevant to one of the claims that was not dismissed by the district court, see Gov't Supp. Mem. App. 50a-

51a, so the court's order has no effect on the arguments related to his deposition.*

In addition, the United States intends to file an amended complaint by June 6, the deadline set by the district court. See Gov't Supp. Mem. App. 60a. The government anticipates that it will seek to depose the two other applicants shortly after filing its amended complaint, but does not expect those depositions to occur before the week of June 13 at the earliest.

Because the depositions at issue in the application are or will likely be scheduled in the near future, the United States agrees with applicants that this Court's resolution of the application remains appropriate. See Appl. Reply Br. 2.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

MAY 2022

* After conferring with counsel for applicants and the other parties, the United States has also scheduled the deposition of an additional legislator for the following day, June 24, 2022. That deposition is of Representative Murr, who represents House District 53 and is not one of the applicants here (though he is represented by the same counsel).