March 10, 2022

Via Electronic Filing

Lyle W. Cayce
Clerk of the Court
U.S. Court of Appeals for the Fifth Circuit
600 S. Maestri Place, Suite 115
New Orleans, LA 70130

Re: ***Longoria, et al. v. Paxton, et al.***, **No. 22-50110**
  USDC No. 5:21-CV-1223

Dear Mr. Cayce:

Pursuant to Federal Rule of Appellate Procedure 28(j) and Fifth Circuit Rule 28.4, Appellees write to notify the Court of a new factual development in *Longoria, et al. v. Paxton, et al.*, Case Number 22-50110. On March 8, 2022, following argument, counsel for Appellee Isabel Longoria learned that Ms. Longoria announced her resignation from her position as Harris County Elections Administrator, effective July 1, 2022.

Ms. Longoria's case before this Court nevertheless remains a live controversy because she is still at risk of civil penalties for her speech during the pendency of this suit. While she would no longer be subject to termination after she resigns, Ms. Longoria could be subject to other civil penalties after she leaves office. Tex. Civ. Prac. & Remedies Code § 16.051 (providing a four-year statute of limitations for every action for which there is no express limitations period). Her case before the district court remains a live controversy for the additional reason that she could be criminally prosecuted even after she leaves office. *See* Tex. Code Crim. Proc. art. 12.01(8) (providing that felonies not otherwise specified have a statute of limitations of three years). Ms. Longoria's speech thus remains chilled and will continue to be chilled until her resignation.

Respectfully submitted,

/s/ *Sean Morales-Doyle*

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2022, the foregoing Rule 28(j) Letter was electronically filed with the Clerk of the Court by using the CM/ECF system. I further certify that all parties are registered CM/ECF users and that service will be accomplished through the CM/ECF system.

/s/ *Sean Morales-Doyle*

Sean Morales-Doyle