

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**U.S. NAVY SEALs 1–26, et al.,**

**Plaintiffs,**

**v.**

**LLOYD J. AUSTIN, III, et al.,**

**Defendants.**

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**Civil Action No. 4:21-cv-01236-O**

**ORDER**

On July 6, 2023, the United States Court of Appeals for the Fifth Circuit handed down its decision on the preliminary injunction in this case. The mandate for that opinion will soon issue on August 28, 2023. Barring any changes to the Fifth Circuit’s decision, the Court hereby **ORDERS** supplemental briefing on the following three subjects:

- 1.) The parties shall brief the continued viability of any arguments previously raised before this Court and explicitly addressed by the Fifth Circuit.
- 2.) The parties shall brief the continued viability of any arguments previously raised before this Court and *not* explicitly addressed by the Fifth Circuit.
- 3.) The parties shall raise any new arguments relating to the issue of mootness which have not heretofore been presented to the Court.

The parties **SHALL** submit cross-briefing on these topics and any others they deem relevant. To that end, the parties shall submit their initial briefs **by September 12, 2023**. The parties shall submit their responses **by September 19, 2023**. Finally, due to the need to collect supplemental briefing, the Court hereby **DEFERS** ruling on Defendant’s Assertion of Mootness (ECF No. 221) at this time.

**SO ORDERED** on this **14th day of August, 2023**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE