

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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February 02, 2024

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-10564 State of Texas v. Becerra  
USDC No. 5:21-CV-300

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Casey A. Sullivan, Deputy Clerk  
504-310-7642

Ms. Sarah Jane Clark  
Mr. William Francis Cole  
Mr. Christopher D. Edelman  
Mr. Charles Kenneth Eldred  
Ms. Alisa Beth Klein  
Ms. Karen S. Mitchell

# United States Court of Appeals for the Fifth Circuit

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No. 23-10564

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 2, 2024

STATE OF TEXAS; LUBBOCK INDEPENDENT SCHOOL DISTRICT; *et al.*  
Dustin W. Cayce  
Clerk  
*Plaintiffs—Appellees,*

*versus*

XAVIER BECERRA, *Secretary of Health and Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; JOOYUEN CHANG, *Principal Deputy Assistant Secretary*; ADMINISTRATION FOR CHILDREN & FAMILIES; KATIE HAMM, *Deputy Assistant Secretary for Early Childhood*; OFFICE OF EARLY CHILDHOOD DEVELOPMENT; BERNADINE FUTRELL, *Director of the Office of Head Start*; OFFICE OF HEAD START; JOSEPH R. BIDEN, *President of the United States,*

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:21-CV-300

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## UNPUBLISHED ORDER

Before JONES, HIGGINSON, and HO, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that appellants' opposed motion to vacate the District Court judgment as moot is DENIED to the extent it is opposed.

Appellees “agree that the portion of the final judgment remanding the case back to the agency . . . may be properly vacated.”