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ATTORNEY GENERAL

October 10, 2024

Mark Langer, Clerk of the Court  
U.S. Court of Appeals for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Ave. NW  
Room 5205  
Washington, D.C. 20001

Re: Notice of Supplemental Authority in *Rose v. Becerra*, No. 24-5172

Dear Mr. Langer:

Pursuant to Federal Rule of Appellate Procedure 28(j), Intervenor-Appellant Indiana Family and Social Services Administration (FSSA) submits this letter to notify the Court of a recent ruling by the district court in this case.

As noted in FSSA's response to the motion to dismiss, FSSA had asked the district court to stay the remand to the agency. FSSA Resp. 24 n.1. On October 7, 2024, the district court declined to stay the remand, but the court modified its partial stay of its order vacating the Secretary's 2020 approval so that the stay's "terms shall continue during remand to the agency." Minute Order of Oct. 7, 2024. Although this modification may mitigate some impacts of the district court order vacating the Secretary's 2020 approval, it does not restore to FSSA the full authority it had under the approval. *See* FSSA's Resp. 14–15. Nor does this recent ruling alter the reality that FSSA cannot later obtain meaningful judicial review of the order vacating the Secretary's 2020 approval. *See id.* at 14–22.

Respectfully submitted,

/s/ James A. Barta  
James A. Barta  
Solicitor General

**CERTIFICATE OF COMPLIANCE**

I certify that this letter complies with Rule 28(j) because the body of the letter contains 174 words.

/s/ James A. Barta  
James A. Barta