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VIA CM/ECF

June 18, 2024

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

Re: *Braidwood Management, Inc. v. Becerra*, No. 23-10326
(argument held March 4, 2024)

Plaintiffs' June 15 letter relies on this Court's decision in *Career Colleges and Schools of Texas v. U.S. Department of Education*, 98 F.4th 220 (5th Cir. 2024), for the proposition that the APA allows a district court judge to grant relief beyond what is necessary to redress demonstrated injury to the parties. That decision predates the recent Supreme Court decisions discussed in our June 17 letter, however, which bear on the appropriate scope of relief.

In all events, as we explained in our opening brief (at 41-50) and our response and reply brief (at 34-47), plaintiffs did not bring an APA claim, the district court did not consider the balance of equities, and the record provides no basis for the court's nationwide injunction and universal vacatur of agency actions. In such circumstances, the APA "does not require vacatur," *Central and South West Services, Inc. v. EPA*, 220 F.3d 683, 692 (5th Cir. 2000), and the Court instead "exercise[s] [its] equitable powers in its choice of remedy," *id.* at 695 n.13.

Sincerely,

/s/ Daniel Aguilar

Daniel Aguilar

Counsel for the Federal Defendants

CERTIFICATE OF SERVICE

I certify that on June 18, 2024, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system, which will serve all counsel of record.

/s/ Daniel Aguilar
DANIEL AGUILAR

CERTIFICATE OF COMPLIANCE

I certify that this letter complies with the word limitations of Federal Rule of Appellate Procedure 28(j) because it contains 170 words.

/s/ Daniel Aguilar
DANIEL AGUILAR