

Amy Warr
awarr@adjtlaw.com
(512) 482-9312
Board Certified Civil
Appellate Law



FILED
23-0192
100 Congress Avenue, Suite 1450
Austin, Texas 78701-2709
www.adjtlaw.com
SUPREME COURT OF TEXAS
BLAKE A. HAWTHORNE, CLERK

March 17, 2025

Blake Hawthorne, Clerk
The Texas Supreme Court
201 W. 14th Street, Room 104
Austin, Texas 78701

Re: No. 23-0192, *Texas Department of Family & Protective Services v. Grassroots Leadership, Inc.*

Dear Mr. Hawthorne,

When this cause was argued, the two family immigration detention facilities at issue—Karnes and Dilley—were not detaining families. Karnes was detaining adults only; Dilley was closed. Justice Huddle asked if the facilities’ use at that time mooted the case, and both parties answered in the negative because family detention was likely to return to Karnes and Dilley.

That prediction has come true. In February, the federal government decided to contract anew with private companies to operate family detention facilities.¹ Last week, Karnes thus began detaining families once again.² At the same time, Dilley announced its reopening, touting its readiness to detain “a family population.”³

¹ Julie Ainsly, *Trump Administration Preparing to Restart Immigrant Family Detention*, NBC NEWS (Feb. 7, 2025, 4:36 PM) <https://www.nbcnews.com/politics/national-security/trump-administration-preparing-restart-immigrant-family-detention-rcna191230>.

² Camilo Montoya-Galvez, *Trump Revives Practice of Detaining Migrant Families With Children*, CBS NEWS (Mar. 7, 2025, 6:12 PM), <https://www.cbsnews.com/news/trump-revives-practice-of-detaining-migrant-families-with-children/>.

³ News Release, *CoreCivic Announces Resumption of Operations at South Texas Family Residential Center in Dilley, Texas*, CORECIVIC (Mar. 16, 2025), <https://ir.corecivic.com/news-releases/news-release-details/corecivic-announces-resumption-operations-south-texas-family>.

Karnes and Dilley remain the only existing facilities in the country that are equipped to detain families.⁴

As Respondents explained at argument and in their post-submission brief, at least some plaintiffs remain in the United States and have pending immigration proceedings. If those plaintiffs are re-detained, they would likely be returned to Karnes or Dilley, meaning that a live controversy still exists.

Respectfully submitted,

/s/ Amy Warr

Amy Warr

State Bar No. 00795708

awarr@adjtlaw.com

Nicholas Bacarisse

State Bar No. 24073872

nbacarisse@adjtlaw.com

ALEXANDER DUBOSE & JEFFERSON LLP

100 Congress Avenue, Suite 1450

Austin, Texas 78701-3562

Telephone: (512) 482-9300

Facsimile: (512) 482-9303

Robert Doggett

State Bar No. 005945650

rdoggett@trla.org

TEXAS RIOGRANDE LEGAL AID, INC.

4920 North IH 35

Austin, Texas 78751

Telephone: (512) 374-2700

ATTORNEYS FOR RESPONDENTS

Jerome Wesevich
State Bar No. 21193250
jwesevich@trla.org
TEXAS RIOGRANDE LEGAL AID, INC.
1331 Texas Avenue
El Paso, Texas 79901
Telephone: (915) 585-5100

⁴ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2025, a true and correct copy of this post-submission letter brief was served via electronic service through eFile.TXCourts.gov on all parties through counsel of record, listed below:

Mark Emery
State Bar No. 24050564
mark.emery@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
799 9th Street NW, Suite 1000
Washington, D.C. 20001
Telephone: (202) 662-0200

Charles A. Deacon
State Bar No. 056773300
charlie.deacon@nortonrosefulbright.com
Bertina B. York
State Bar No. 03354500
bertina.york@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
111 West Houston Street, Suite 1800
San Antonio, Texas 78205
Telephone: (210) 224-5575

Joshua C. Fiveson
Assistant Solicitor General
State Bar No. 24093438
joshua.fiveson@oag.texas.gov
OFFICE OF ATTORNEY GENERAL
P.O. Box 12548 (MC 059)
Austin, Texas 78711
Telephone: (512) 936-2834
Facsimile: (512) 474-2697

*Attorneys for Texas Department of
Family and Protective Services, Henry
Whitman, in his official capacity as
DFPS Commissioner Texas Health
and Human Services, Charles Smith,
in his official capacity as HHSC
Executive Commissioner*

Attorneys for the GEO Group

Blake Hawthorne
March 17, 2025
Page 4

Jay W. Brown
State Bar No. 03138830
jbrown@shackelford.law
Bruce R. Wilkin
State Bar No. 24053549
bwilkin@shackelford.law
SHACKELFORD, BOWEN, MCKINLEY
& NORTON, LLP
717 Texas Avenue, 27th Floor
Houston, Texas 77002
Telephone: (832) 415-1801
Facsimile: (832) 415-1095

Attorneys for CoreCivic

/s/ Amy Warr
Amy Warr

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Ginger Grimm on behalf of Amy Warr

Bar No. 795708

ggrimm@adjtlaw.com

Envelope ID: 98511342

Filing Code Description: Brief on the Merits (all briefs)

Filing Description: Post-Submission Brief re Restart of Family Detention

Status as of 3/17/2025 9:17 AM CST

Associated Case Party: Office of the Texas Attorney General

Name	BarNumber	Email	TimestampSubmitted	Status
Judd Stone		judd.stone@oag.texas.gov	3/17/2025 9:09:45 AM	SENT
Joshua Fivesone		joshua.fiveson@oag.texas.gov	3/17/2025 9:09:45 AM	SENT
Cody Rutowski		Cody.Rutowski@oag.texas.gov	3/17/2025 9:09:45 AM	SENT
Lief Olson		leif.olson@oag.texas.gov	3/17/2025 9:09:45 AM	SENT

Associated Case Party: Corecivic

Name	BarNumber	Email	TimestampSubmitted	Status
Bruce Wilkin		bwilkin@shackelford.law	3/17/2025 9:09:45 AM	SENT
Cameron Dernick		cdernick@shackelford.law	3/17/2025 9:09:45 AM	SENT
Jay Brown		jbrown@shackelford.law	3/17/2025 9:09:45 AM	SENT

Associated Case Party: Grassroots Leadership, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Nicholas Bacarisse		nbacarisse@adjtlaw.com	3/17/2025 9:09:45 AM	SENT
Jerome Wesevich		fwesevich@trla.org	3/17/2025 9:09:45 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mark Emery		mark.emery@nortonrosefulbright.com	3/17/2025 9:09:45 AM	SENT
Charles A. Deacon		charlie.deacon@nortonrosefulbright.com	3/17/2025 9:09:45 AM	SENT
Bruce Wilkin	24053549	bwilkin@shackelford.law	3/17/2025 9:09:45 AM	SENT
Maria Williamson		maria.williamson@oag.texas.gov	3/17/2025 9:09:45 AM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Ginger Grimm on behalf of Amy Warr

Bar No. 795708

ggrimm@adjtlaw.com

Envelope ID: 98511342

Filing Code Description: Brief on the Merits (all briefs)

Filing Description: Post-Submission Brief re Restart of Family Detention

Status as of 3/17/2025 9:17 AM CST

Case Contacts

Maria Williamson		maria.williamson@oag.texas.gov	3/17/2025 9:09:45 AM	SENT
Joycelyn Washington		jwashington@shackelford.law	3/17/2025 9:09:45 AM	SENT
Amy Warr		awarr@adjtlaw.com	3/17/2025 9:09:45 AM	SENT
Robert Doggett		rdoggett@trla.org	3/17/2025 9:09:45 AM	SENT
Bertina York		bertina.york@nortonrosefulbright.com	3/17/2025 9:09:45 AM	SENT
Sabrina Wycoff		Sabrina.Wycoff@oag.texas.gov	3/17/2025 9:09:45 AM	SENT
Alison Washburn		alison.washburn@oag.texas.gov	3/17/2025 9:09:45 AM	SENT