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Contact Whitney Ray

Phone (850) 245-0150



OFFICE OF
ATTORNEY GENERAL
ASHLEY MOODY
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Attorney General Ashley Moody News Release

Attorney General Moody Leads Fight Against Biden’s Sue-and-Settle Gamesmanship



TALLAHASSEE, Fla.—Attorney General Ashley Moody is leading a coalition of 20 state attorneys general in filing an amicus brief in the United States District Court for the District of Columbia supporting [Intervenor States](#) that seek to prevent the Biden administration from weaponizing sue-and-settle tactics to avoid accountability for the border crisis. The Biden administration appears to have abandoned its defense of the “Circumvention of Lawful Pathways” rule, a rule that allows the U.S. Department of Homeland Security to turn away some asylum seekers, and is instead pursuing a settlement agreement with open-border organizations.

Attorney General Ashley Moody said, “The Biden administration has systematically broken down our public-safety immigration structure through both implementing illegal asylum programs and outright ignoring existing law. The idea that states would blindly allow this administration to negotiate behind closed doors with activist organizations is ludicrous. States have a right to be party to any settlement negotiations that will dictate border policy because we have an interest in protecting the safety of our citizens and the resources of our communities.”

Following the revelation of a potential settlement, the attorneys general from Alabama, Georgia, Louisiana, Kansas and West Virginia filed a motion to [intervene](#); “The coalition of attorneys general filed motions to intervene because the Biden administration has opted to enter

settlement negotiations instead of defending a rule that imposes some modest limits on illegal immigration. As the brief asserts, Attorney General Marshall strongly believes the Biden administration will not adequately represent the interests of the States related to illegal immigration."

Today, Attorney General Moody and Montana Attorney General Austin Knudsen co-lead a coalition of 20 states, filing an amicus brief in support of the Intervenor States saying, "Intervenor States have a strong interest in protecting their own procedural rights under the APA, as well as an interest in preventing gamesmanship by the current Executive that may delay or impede policy changes by successor officials."

The attorneys general of the following states joined Florida and Montana in the brief: Alaska, Arkansas, Idaho, Indiana, Iowa, Kentucky, Mississippi, Missouri, Nebraska, New Hampshire, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, Utah and Virginia.

Read the full amicus brief [here](#).

The Biden administration tried the exact same tactic on a very similar case out of California. Last month, Attorney General Moody led a coalition of 17 states in filing an amicus brief in support of the Intervenor States in that case as well. Read the full release [here](#).

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