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Florida Attorney General's Office News Release

As Title 42 Expires, AG Moody Files New Lawsuit to Force Biden to Follow a Federal Court Order Obtained by Florida and Stop the Mass Release of Illegal Immigrants

TALLAHASSEE, Fla.—Before Title 42 expires at midnight, the Biden administration must explain to a federal judge why a new immigration policy does not violate a court order obtained by Attorney General Ashley Moody earlier this year. The judge’s order compelling a response follows two legal actions by Attorney General Moody during the past 24 hours.

Once Title 42 expires, President Joe Biden plans to release the crush of illegal immigrants gathered at the border into the interior of the country. This plan, first uncovered by Attorney General Moody through [aggressive litigation efforts](#), was confirmed this week through an [email](#) by an official at the U.S. Department of Justice. The Biden administration’s new policy is in direct conflict with a ruling earlier this year obtained by Attorney General Moody in federal court. In the [ruling](#), United States District Court Judge T. Kent Wetherell held that Biden’s federal immigration policies are illegal and must change. It now appears the only thing the Biden administration is willing to change about the policy is the name—not the unlawful approach that will allow more than [700,000](#) immigrants to flood the country.

Attorney General Moody is taking legal action to put an end to Biden’s unlawful mass release policy before Title 42 expires. Florida today filed a motion for a temporary restraining order and requested a ruling before midnight tonight. Already, Judge Wetherell is requiring DHS to respond by 5:00 PM EDT to the restraining order motion, as they are likely in violation of the law.

Judge Wetherell’s [order](#) requiring expedited response states: “If the allegations in the complaint and motion are true, then it appears that DHS is preparing to flout the Court’s order in Florida v. United States by implementing a new ‘parole’ policy that, based on the DHS spokesperson’s description of the policy, sounds virtually identical to the Parole+ATD policy the Court vacated in Florida.”

Attorney General Ashley Moody said, “The gall of Biden to thumb his nose at a federal court order and proceed with an unlawful plan to allow what amounts to an invasion at our Southwest Border is not only unprecedented, it is dangerous. We have blown the whistle on Biden every step along his path to illegally dismantle our nation’s border security system—and even as the clock ticks down to the end of Title 42, we are taking action to force this administration to follow the law, secure the border and protect the American people.”

Attorney General Moody is taking legal action to stop another unlawful policy by the U.S. Department of Homeland Security. The new DHS policy requires the release of inadmissible immigrants without deportation proceedings. In the wake of a court order prohibiting policies like this, and hours before Title 42 ends, it is reported that DHS's answer to the court order is to simply change the name of the policy, but not its practices.

In a [legal action](#) filed in the U.S. District Court Northern District of Florida, Attorney General Moody argues that DHS's new policy is not in accordance with law, exceeds the agency's authority, is arbitrary and capricious as well as fails to meet notice and comment requirements. Attorney General Moody is filing this new complaint to postpone the effective date of the unlawful new policy, preliminarily enjoin it and ultimately vacate any new parole policy.

The complaint states, "On May 9, 2023—approximately two months after the Court vacated the March Parole + ATD Policy—the media began reporting that Border Patrol planned to restart the mass release of migrants at the Southwest Border upon the expiration of the Title 42 order on May 11, 2023. On May 10, a DHS spokesperson told the media that DHS plans to employ the 'targeted use of parole [to] allow Border Patrol to focus its resources most effectively [on] quickly processing and removing individuals who do not have a legal basis to remain in the country.' In short, rather than seek a stay of the Court's judgment in good faith, DHS plans to continue its game of whack-a-mole with Florida and with this Court by promulgating yet another unlawful policy."

To read a copy of the complaint, click [here](#).

Attorney General Moody also filed an [emergency motion for a temporary restraining order](#) in the same court. Florida seeks the restraining order to prevent DHS from implementing the new parole policy or otherwise using parole as a tool of operational convenience.

The motion states: "Florida seeks a temporary restraining order to preserve the status quo until the parties can brief motions for a preliminary injunction or to postpone the effective date of the new policy. The Biden Administration's behavior, if left unchecked, makes a mockery of our system of justice and our Constitution."

To read a copy of the emergency motion, click [here](#).

On March 8, after a year and a half of litigation, Judge Wetherell ruled that Biden effectively turned the U.S. Southwest Border into "little more than a speedbump" and vacated the Biden administration's catch-and-release policy.

This case gained national attention over the damning evidence Attorney General Moody uncovered concerning the Biden administration's deliberate efforts to weaken border security. Attorney General Moody filed the case in September 2021. During the course of discovery and litigation, Florida forced the federal government to provide or disclose the following:

- A [deposition](#) of U.S. Border Patrol Chief Raul Ortiz showing the Biden administration purposely reduced detention capacity of the U.S. Immigration and Customs Enforcement and narrowed removal pathways. Ortiz claimed these changes left Border Patrol with no other choice but to release hundreds of thousands of immigrants into the interior. Ortiz also

agreed that Biden's policies caused the unprecedented surge at the border.

- A [memo](#) outlining the federal government's plan in the event immigrants overrun the border when Title 42 expires—the mass release of migrants into the United States.
- [Testimony](#) and deposition of ICE Executive Associate Director for Enforcement and Removal Operations Corey Price confirming the Biden administration knew its immigration priorities would cut enforcement in half and still implemented them. Price also confirmed that ICE is removing more than seven times fewer inadmissible immigrants than in 2012, booking in roughly half the number of immigrants than the previous administration.
- ICE training [videos](#) showing officials discussing the logistical problems created when federal authorities intentionally released tens of thousands of immigrants without charging documents—a formal legal document requiring immigrants to appear before an immigration judge.

To learn more, click [here](#).