

(ORDER LIST: 594 U.S.)

TUESDAY, AUGUST 24, 2021

ORDER IN PENDING CASE

21A21 BIDEN, PRESIDENT OF U.S., ET AL. V. TEXAS, ET AL.

The application for a stay presented to Justice Alito and by him referred to the Court is denied. The applicants have failed to show a likelihood of success on the claim that the memorandum rescinding the Migrant Protection Protocols was not arbitrary and capricious. See *Department of Homeland Security v. Regents of Univ. of Cal.*, 591 U. S. \_\_\_\_ (2020) (slip op., at 9-12, 17-26). Our order denying the Government's request for a stay of the District Court injunction should not be read as affecting the construction of that injunction by the Court of Appeals.

Justice Breyer, Justice Sotomayor, and Justice Kagan would grant the application.