

IN THE SUPREME COURT OF THE UNITED STATES

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No. 20-493

YSLETA DEL SUR PUEBLO, ET AL., PETITIONERS

v.

STATE OF TEXAS

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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MOTION OF THE UNITED STATES  
AS AMICUS CURIAE SUPPORTING PETITIONERS  
FOR LEAVE TO PARTICIPATE IN, FOR ENLARGEMENT OF,  
AND FOR DIVIDED ORAL ARGUMENT

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Pursuant to Rules 21, 28.3, 28.4, and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case, that the time for oral argument be enlarged to 70 minutes, and that the time be allotted as follows: 20 minutes for petitioners, 15 minutes for the United States, and 35 minutes for respondent. Petitioners and respondent consent to this motion.

This case concerns the gaming provisions of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act, Pub. L. No. 100-89, § 107, 101 Stat. 668-669, which the Fifth Circuit has construed to require state regulation of gaming on the lands of those Tribes. That interpretation has displaced federal gaming regulation under the Indian Gaming Regulatory Act (IGRA), 18 U.S.C. 1166-1168, 25 U.S.C. 2701 et seq. The Court's decision in this case therefore will likely affect the regulatory authority of the National Indian Gaming Commission under IGRA. At the Court's invitation, the United States filed a brief as amicus curiae at the petition stage of this case.

The United States would be able at oral argument to offer the Court a distinct federal perspective on the Indian-gaming and Indian-law issues implicated by this case, which affect the federal regulation of tribal gaming activities. The United States' participation in oral argument is therefore likely to be of material assistance to the Court.

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General  
Counsel of Record

JANUARY 2022