



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

April 25, 2022

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Joseph R. Biden, Jr., President of the United States, et al. v. Texas, et al.,
No. 21-954

Dear Mr. Harris:

Our opening brief in this case included the following parenthetical quoting a statement from the October 29 memorandum of the Department of Homeland Security (DHS): “while MPP was in effect, ‘more than two-thirds of single adults and individuals in family units encountered along the [southwest border]’ and processed under the INA ‘were never detained or [were] released from ICE custody.’” Gov’t Br. 25 (quoting Pet. App. 323a-324a). DHS recently informed this Office that the quoted statistic was incorrect due to inadvertent errors in the data underlying the table at Appendix 1 of the memorandum. See Pet. App. 345a. The correct statistic is “59% of single adults and individuals in family units.”

DHS has also informed this Office that, in investigating this error, it has determined that the October 29 memorandum contains certain other non-material data errors that it intends to correct in due course. Those errors are not relevant to the questions presented in this Court.

We regret the inaccurate statement in our brief. I would appreciate it if you would distribute this letter to the Members of the Court.

Sincerely,

Elizabeth B. Prelogar
Solicitor General

cc: See Attached Service List

21-0954

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