

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

SID MILLER, et al.,

Plaintiffs,

v.

**TOM VILSACK, in his official capacity as
Secretary of Agriculture,**

Defendant.

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Civil Action No. 4:21-cv-0595-O

ORDER

Before the Court is the Government's Notice, informing the Court of its interpretation of this Court's injunction Order and the Government's planned implementation of the debt-relief program in light of that order and binding orders of other courts. *See* Notice, ECF No. 61. The Court appreciates the Government's furnished notice and good-faith attempt to comply with court orders in this case.

This Court's July 1 Order enjoined the Government

from discriminating on account of race or ethnicity in administering section 1005 of the American Rescue Plan Act for any applicant who is a member of the Certified Classes. This prohibition encompasses: (a) considering or using an applicant Class Member's race or ethnicity as a criterion in determining whether that applicant will obtain loan assistance, forgiveness, or payments; and (b) considering or using any criterion that is intended to serve as a proxy for race or ethnicity in determining whether an applicant Class Member will obtain loan assistance, forgiveness, or payments.

Order, ECF No. 60. Although this requires the Government to act under section 1005 without consideration of race or ethnicity for any *applicants* to the debt-relief program, it did not directly address the Government's use of race and ethnicity in identifying and noticing loan-holders who may be eligible for debt relief but have yet to apply. *See id.*

Accordingly, the Court **ORDERS** Plaintiffs to respond to the Government's Notice **by July 5, 2021** indicating whether Plaintiffs are injured in the Government's continued use of race and ethnicity in preparatory steps in this way, and if so, its proposed remedy. The Government may reply to Plaintiffs' filing **by July 6, 2021**.

SO ORDERED this **3rd day** of **July 2021**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE