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September 20, 2021

VIA CM/ECF
Mr. Lyle W. Cayce, Clerk of Court
United States Court of Appeals for the Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130

Re: *Hotze v. Hudspeth*; No. 20-20574

Dear Clerk of the Court:

On behalf of Appellee, Stanley G. Schneider, this letter brief responds to the Order issued on September 8, 2021, wherein this Court requested additional briefing addressing whether the change in Texas law concerning "drive through voting" render these proceedings moot.

The answer to this Court's inquiry is simple.

These proceedings are moot.

In *Ermuraki v. Renaud,* No. 20-20370 (5th Cir. February 1, 2021) (not yet reported), this Court held that a challenge to denial of permanent resident visas through the diversity program was moot because the district court had not entered a final judgment before the end of the 2018 fiscal year because the permanent resident visas were required to be issued by the end of the fiscal year in which the immigrant won the visa lottery. This Court wrote:

> "In general, a claim becomes moot 'when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome.'" *La. Env't,* 382 F.3d at 581 (quoting *Murphy v. Hunt,* 455 U.S. 478, 481 (1982) (per curiam)). Therefore, "[m]ootness applies when intervening circumstances render the court no longer capable of providing meaningful relief to the plaintiff." *Ctr. for Biological Diversity, Inc. v. BP Am. Prod. Co.,* 704 F.3d 413, 425 (5th Cir 2013).

Slip op. at 4. The Court also held:

> Because the Ermurakis' claim was moot prior to the entry of the district court's final judgment, we VACATE the judgment and direct that this case be DISMISSED. *Goldin v. Bartholow*, 166 F.3d 710, 718 (5th Cir. 1999) ("If mootness occurred prior to the rendering of final judgment by the district court, *vacatur* and dismissal is automatic. The district court would not have had Article III jurisdiction to render the judgment, and we cannot leave undisturbed a decision that lacked jurisdiction." (citing *Iron Arrow Honor Soc. v. Heckler,* 464 U.S. 67, 72-73 (1983).

Slip op. at 5.

Emuraki is directly in point. Since this Court cannot grant Appellants meaningful relief, their case is moot and must be dismissed.

Respectfully submitted,

SCHNEIDER & MCKINNEY, P.C.

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the attached and foregoing document has been served on the all counsel of record who are deemed to have consented to electronic service are being served with a copy of this instrument via the CM/ECF system on September 20, 2021.

/s/ Stanley G. Schneider
Stanley G. Schneider