

ENTERED

March 30, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DWIGHT RUSSELL, *et al.*,

Plaintiffs,

v.

HARRIS COUNTY, TEXAS, *et al.*,

Defendants.

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CIVIL ACTION NO. H-19-226

ORDER GRANTING UNOPPOSED MOTION TO INTERVENE

After the plaintiffs moved for a temporary restraining order, the State of Texas, Governor of Texas, and Attorney General of Texas moved to intervene under Federal Rule of Civil Procedure 24(a)(2). (Docket Entry No. 38-1). The plaintiffs indicated that they do not oppose the intervention. (Docket Entry No. 45).

“Rule 24(a)(2) governs intervention of right based on an interest in the action.” *St. Bernard Par. v. Lafarge N. Am., Inc.*, 914 F.3d 969, 974 (5th Cir. 2019). The Fifth Circuit has established a four-pronged test for intervention under Rule 24(a)(2):

- (1) the application for intervention must be timely;
- (2) the applicant must have an interest relating to the property or transaction which is the subject of the action;
- (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair his ability to protect that interest; [and]
- (4) the applicant’s interest must be inadequately represented by the existing parties to the suit.

Id. (quoting *Sommers v. Bank of Am., N.A.*, 835 F.3d 509, 512 (5th Cir. 2016)). “Federal courts should allow intervention where no one would be hurt and the greater justice could be attained.”

Texas v. United States, 805 F.3d 653, 656 (5th Cir. 2015) (quoting *Sierra Club v. Espy*, 18 F.3d 1202, 1205 (5th Cir. 1994)).

The court finds that the requirements of Rule 24(a)(2) are met. The intervenors timely moved for intervention and have important interests potentially involved in this action that will not be adequately represented by the existing parties.

The State of Texas, Governor of Texas, and Attorney General of Texas's motion to intervene, (Docket Entry No. 38), is granted.

SIGNED on March 30, 2020, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is written in a cursive style with a large, looping initial "L".

Lee H. Rosenthal
Chief United States District Judge