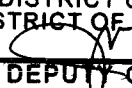


FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SEP 20 2012
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

ERIC STEWARD, by his next friend and)
mother, Lillian Minor, et. al.)
)
Plaintiffs)
)
v.)
)
RICK PERRY, Governor of the State)
of Texas, et. al.)
)
Defendants)

CIVIL ACTION NO.
SA-10-CA-1025-OG

ORDER

Pending before the Court is the Partial Consent Motion by the United States of America to Intervene (Dkt. # 53). Plaintiffs consent to the intervention. Defendants oppose intervention, and have filed a brief in opposition (Dkt. # 56). The United States has filed a reply (Dkt. # 57). The Court held a hearing on all pending motions, and heard the parties' arguments regarding intervention. After hearing the parties' arguments, and reviewing the briefs and applicable law, the Court finds that the United States request to intervene should be GRANTED.

The United States clearly meets the requirements for permissive intervention under Rule 24(b), Federal Rules of Civil Procedure.¹ The United States' request is timely and will not unduly delay or prejudice the adjudication of the original parties' rights.

The United States' Complaint in Intervention (Dkt. # 53, Exh. 1), shall be filed of record herein. If the United States wishes to file any further briefs on the issues raised in the other pending

¹Thus, the Court need not reach the issue of whether the United States meets the requirements for intervention as a matter of right under Rule 24(a).

motions, it may file its briefs within thirty (30) days after receipt of the hearing transcript.²

IT IS SO ORDERED this 10 day of September, 2012.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

²The Defendants' partial motion to dismiss (Dkt. # 67) and Plaintiffs' amended motion to certify class (Dkt. # 94) remain pending, and the other parties have been given the same opportunity to supplement their briefs if they so desire.