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June 2, 2022

Via E-filing

Blake A. Hawthorne, Clerk
The Supreme Court of Texas

Re: No. 22-0008, *Abbott v. Mexican American Legislative Caucus et al.*

Dear Mr. Hawthorne:

I write to notify the Court about recent developments bearing on the standing of plaintiff Ruben Cortez to maintain his claim for prospective relief based on his assertion that H.B. 1 violates the county-line rule of Article III, Section 26 of the Texas Constitution. Cortez argued that he has standing to maintain that claim because, under H.B. 1, H.D. 37 contains “a much larger geographic territory” than some unspecified plan, which will “plainly entail a significantly greater expenditure of Cortez’s time and money” due to “[f]requent travel” to Willacy County. Gutierrez Br. 11-12. For the reasons Appellants have explained, Cortez never pleaded a cognizable injury on such a theory, Appellants’ Br. 23-26; Reply Br. 9-11, and affirmatively admitted to the trial court that his requested relief would not redress any injury he may have suffered, 2.RR.161 (“Q. So our last question is if this Court enjoins the map and moves the primary date, will that affect your candidacy in any way? A. It will not.”).

Last Tuesday, May 24, Mr. Cortez lost the Democratic primary runoff election for H.D. 37 to Luis Villarreal, Jr. *See* Tex. Sec’y of State, Tex. Election Results, <https://tinyurl.com/5dhmydwd> (last accessed June 2, 2022). As Cortez is no longer—and has not alleged that he will again be—a candidate for election in a district established by H.B. 1, he lacks an injury sufficient to support a claim for prospective relief. *Cf. Garcia v. City of Willis*, 593 S.W.3d 201, 207 (Tex. 2009). Moreover, he did not and could not bring a damages claim for retrospective relief based on any alleged pocketbook injury from the expenditure of money in the past. *See City of El Paso v. Heinrich*, 284 S.W.3d 366, 374 (Tex. 2009). Thus, to the extent Mr. Cortez ever had standing, he now lacks any “interest peculiar to [him]

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individually” sufficient to support a judgment, *Garcia*, 593 S.W.3d at 207, and thus cannot maintain his county-line claim, *see Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001) (“For a plaintiff to have standing, a controversy must exist between the parties at every stage of the legal proceedings, including the appeal.”).

Respectfully submitted.

/s/ Lanora C. Pettit

Lanora C. Pettit
Principal Deputy Solicitor General

cc: all counsel of record (via e-mail)

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