

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

CAREER COLLEGES & SCHOOLS OF
 TEXAS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
 EDUCATION, *and* MIGUEL CARDONA,
in his official capacity as the Secretary of Education,

Defendants.

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1:23-CV-433-RP

ORDER

On June 30, 2023, the Court denied Plaintiff Career Colleges & Schools of Texas’s (“CCST”) motion for a preliminary injunction of certain provisions of the November 1, 2022 final rule, Institutional Eligibility Under the Higher Education Act of 1965, 87 Fed. Reg. 65,904 (the “Rule”). (Dkt. 74). That same day, CCST appealed the Court’s decision to the Fifth Circuit. (Dkt. 75). On April 4, 2024, the Fifth Circuit reversed and remanded with instructions “to postpone the effective date of the borrower-defense and closed-school discharge provisions of the Rule pending final judgment.” (Dkt. 95, at 57).

On May 8, 2024, this Court held a telephonic conference regarding next steps. (Min. Entry, Dkt. 99). On May 21, 2024, the parties filed a joint status report with this Court indicating that Defendants the United States Department of Education and Secretary of Education Miguel Cardona (collectively, “Defendants”) timely filed a petition for rehearing en banc in the Fifth Circuit. (Dkt. 100). The parties indicated that they planned “to file another joint status report with this Court within 14 days of the final disposition of CCST’s appeal, notifying the Court of the outcome of the appeal and proposing an appropriate schedule for further proceedings.” (*Id.* at 1). On June 12, 2024, the Fifth Circuit entered an order denying Defendants’ petition for rehearing en banc. *See Career*

Colleges & Schools of Texas v. United States Department of Education, No. 23-50491, Dkt. 106-1 (5th Cir., June 12, 2024) (order denying petition for rehearing en banc).

Accordingly, **IT IS ORDERED** that the parties file a joint status report **on or before August 9, 2024**. The parties should address next steps, and in particular the status of Defendants’ motion to dismiss CCST’s claims against the Rule’s closed-school discharge provisions for lack of jurisdiction on the basis of standing and unripeness, (Dkt. 85).

SIGNED on July 26, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE