



because it “would deny Plaintiff an adequate opportunity to respond to the new arguments” in advance of the hearing date. (*Id.*)

Generally, courts have “broad discretion” to admit an amicus curiae. *In re Halo Wireless, Inc.*, 684 F.3d 581, 595-96 (5th Cir. 2012). “Whether to permit a nonparty to submit a brief, as amicus curiae, is, with immaterial exceptions, a matter of judicial grace.” *Id.* at 596 (quoting *Nat’l Org. for Women, Inc. v. Scheidler*, 223 F.3d 615, 616 (7th Cir. 2000)). Nonetheless, “acceptance of an . . . amicus curiae should be allowed only sparingly, unless the amicus has a special interest, or unless the Court feels that existing counsel need assistance.” *Evanston Ins. Co. v. Rodriguez Eng’g Lab’ys*, 2023 WL 379277, at \*1 (W.D. Tex. Jan. 20, 2023) (quoting *News and Sun-Sentinel Co. v. Cox*, 700 F. Supp. 30, 32 (S.D. Fla. 1988)). “Generally, the function of an amicus brief is to aid the court with matters apparent on the record or matters of practice that may otherwise escape the Court’s consideration.” *United States v. Holy Land Found. For Relief & Dev.*, 2009 WL 10680203, at \*2 (N.D. Tex. July 1, 2009), rev’d on other grounds, 624 F.3d 685 (5th Cir. 2010) “An amicus brief is proper when it assists the judge by presenting aspects of ideas, arguments, theories, facts or data that are not in the parties’ briefs.” *Id.* The Court has “discretion to consider ‘amicus’ briefing where ‘the proffered information is ‘timely and useful’ or otherwise necessary to the administration of justice.’” *Does 1-7 v. Round Rock Indep. Sch. Dist.*, 540 F. Supp. 2d 735, 739 n.2 (W.D. Tex. 2007).

Applying these principles, the Court finds that the motion for leave should be denied. Proposed Amici do not identify any special interest in this case beyond the desire to advocate for Defendants, who are already well represented. Moreover, because the proposed amicus brief focuses on the historical actions of the U.S. Department of Education, a party in this case, the Court finds that Proposed Amici have not adequately shown that they possess “unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *In re Halo Wireless, Inc.*, 684 F.3d at 596.

Accordingly, **IT IS ORDERED** that Public Citizen and Project on Predatory Student Lending's motion for leave to file an amicus brief, (Dkt. 58), is **DENIED WITHOUT PREJUDICE** to seek additional leave following the resolution of Plaintiff's pending motion for preliminary injunction.

**SIGNED** on May 18, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE