

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRIAN P. CARR, RUEANGRONG CARR,
and BUAKHAO VON KRAMER,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 3:23-CV-02875-S-BT

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants submit as supplemental authority the attached opinion of the Supreme Court of the United States in *Dep't. of State v. Muñoz*, 602 U.S. ---, No. 23–334, 2024 WL 3074425 (U.S. June 21, 2024). There, in reversing the Ninth Circuit's denial of consular nonreviewability, the Supreme Court analyzed several issues pertinent to the controversy between the parties here. And on each issue, the Supreme Court's analysis supports the position advanced by Defendants. *See* Doc. 31, at 7–8.

Particularly, the court reaffirmed the validity of the doctrine of consular nonreviewability, noting that “[v]isa denials are insulated from judicial review by the doctrine of consular nonreviewability.” *Muñoz*, at *5. As acknowledged by the court, the doctrine is subject to a “narrow exception” when “the denial of a visa allegedly burdens the constitutional rights of a U.S. citizen.” *Id.* at *7. Resolving an open question of constitutional law, the court held that “a citizen does not have a fundamental liberty

interest in [his] noncitizen spouse being admitted to the country.” *Id.* at *8. And, relatedly, the court made clear that a citizen’s independent constitutional rights do not entitle him “to a ‘facially legitimate and bona fide reason’ for why someone else’s visa was denied.” *Id.* at *18.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ *Emily H. Owen*

Emily H. Owen
Assistant United States Attorney
Texas Bar No. 24116865
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214-659-8600
Fax: 214-695-8807
emily.owen@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

On July 1, 2024, I electronically filed the above response with the clerk of court for the U.S. District Court, Northern District of Texas. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ *Emily H. Owen*