

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

**Alexander R. Deanda**, on behalf of  
himself and others similarly situated,

Plaintiff,

v.

**Xavier Becerra**, in his official capacity as  
Secretary of Health and Human  
Services; **Jessica Swafford Marcella**, in  
her official capacity as Deputy Assistant  
Secretary for Population Affairs; **United  
States of America**,

Defendants.

Case No. 2:20-cv-00092-Z

**MOTION FOR SUMMARY JUDGMENT**

Plaintiff Alexander R. Deanda respectfully moves for summary judgment, as there are no genuine issues of material fact and the plaintiff is entitled to judgment as a matter of law.

**SUMMARY**

In conformity with Local Rule 56.3(a)(1), Mr. Deanda states the elements of each claim on which summary judgment is sought:

**Claim 1: The Title X statute (42 U.S.C. § 300(a)) does not preempt section 151.001(6) of the Texas Family Code.** To prevail on this claim, Mr. Deanda must show that there is no conflict between the requirements of 42 U.S.C. § 300(a)) and the requirement of section 151.001(6) of the Texas Family Code.

**Claim 2: The Secretary's interpretation of 42 U.S.C. § 300(a)) and his administration of the Title X program violates the constitutional right of parents to direct the upbringing of their children.** Parents have a constitutional right to

direct the upbringing of their children. *See Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923). To prevail on this claim, Mr. Deanda must show that the Secretary's interpretation of 42 U.S.C. § 300(a)) and his administration of the Title X program violates the constitutional right of parents to direct the upbringing of their children.

The accompanying brief sets forth our arguments and authorities. A proposed order is attached.

Respectfully submitted.

D. BRYAN HUGHES  
Texas Bar No. 00793995  
Law Office of D. Bryan Hughes  
110 North College Avenue, Suite 207  
Tyler, Texas 75702-7221  
(903) 581-1776 (phone)  
bryan@hughesfirm.com

H. DUSTIN FILLMORE III  
Texas Bar No. 06996010  
CHARLES W. FILLMORE  
Texas Bar No. 00785861  
The Fillmore Law Firm, LLP  
1200 Summit Avenue, Suite 860  
Fort Worth, Texas 76102  
(817) 332-2351 (phone)  
(817) 870-1859 (fax)  
dusty@fillmorefirm.com  
chad@fillmorefirm.com

Dated: July 25, 2022

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
Texas Bar No. 24075463  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940 (phone)  
(512) 686-3941 (fax)  
jonathan@mitchell.law

ALEX YARBROUGH  
Texas Bar No. 24079615  
Riney & Mayfield LLP  
320 South Polk Street, Suite 600  
Amarillo, Texas 79101  
(806) 468-3202 (phone)  
(806) 376-4509 (fax)  
ayarbrough@rineymayfield.com

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that on July 25, 2022, I served this document through CM/ECF upon:

AMBER RICHER  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, D.C. 20530  
(202) 514-3489  
amber.richer@usdoj.gov

*Counsel for the Defendants*

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiff*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

**Alexander R. Deanda**, on behalf of  
himself and others similarly situated,

Plaintiff,

v.

**Xavier Becerra**, in his official capacity as  
Secretary of Health and Human  
Services; **Jessica Swafford Marcella**, in  
her official capacity as Deputy Assistant  
Secretary for Population Affairs; **United  
States of America**,

Defendants.

Case No. 2:20-cv-00092-Z

**[PROPOSED] ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

The plaintiff's motion for summary judgment is GRANTED. The parties shall, within 14 days of this Court's order, confer and submit a final judgment (or competing proposals of a final judgment) for this Court to sign.

Dated: \_\_\_\_\_

\_\_\_\_\_  
MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE