

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 19-cv-00736-JLK

THE STATE OF COLORADO,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE, and  
MERRICK B. GARLAND, in his official capacity as Attorney General of the United States,

Defendants.

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**ORDER GRANTING JOINT MOTION TO AMEND JUDGMENT (ECF NO. 51)**

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Kane, J.

On April 23, 2020, I granted summary judgment in this case in favor of Plaintiff the State of Colorado and against Defendants the U.S. Department of Justice (“DOJ”) and then Attorney General William Barr, finding the DOJ had unlawfully attached certain immigration-related conditions to federal grant funds provided to state and local law enforcement under the Edward Byrne Memorial Justice Assistance Grant program. Thereafter, Final Judgment was entered, specifically declaring that:

1. The Immigration Enforcement Requirements are unlawful because they exceed the statutory authority conferred on the Executive Branch and are *ultra vires* on their face[;]
2. The Immigration Enforcement Requirements violate the Spending Clause of the U.S. Constitution because they are insufficiently related to the purposes of the Byrne JAG program and are impermissibly ambiguous[; and]
3. The Immigration Enforcement Requirements are *ultra vires* and unlawful under the Administrative Procedure Act.

Final Judgment at 1-2, ECF No. 46. Defendants appealed the Final Judgment to the Tenth Circuit, and that appeal is still pending.

On April 26, 2021, the parties filed a Joint Motion to Amend Judgment (ECF No. 51), requesting that the Final Judgment be amended to eliminate the declaration that the “Immigration Enforcement Requirements violate the Spending Clause of the U.S. Constitution.” Joint Mot. to Am. J. at 1, 3, ECF No. 51. Because the case is on appeal, I initially lacked the authority to amend the Judgment and instead issued an indicative ruling under Federal Rule of Civil Procedure 62.1, stating that I would grant the parties’ Motion. *See* Indicative Ruling at 2, ECF No. 52. The Tenth Circuit has since remanded the case to this Court for the limited purpose of ruling on the Joint Motion. *See* Remand Order at 2, ECF No. 54.

As I previously indicated, I find the interests of justice support amending the Final Judgment as requested and that doing so is appropriate in order to avoid the unnecessary resolution of a constitutional question. Thus, the parties’ Motion to Amend Judgment (ECF No. 51) is GRANTED. The Final Judgment shall be amended to eliminate the declaration that “The Immigration Enforcement Requirements violate the Spending Clause of the U.S. Constitution because they are insufficiently related to the purposes of the Byrne JAG program and are impermissibly ambiguous.”

DATED this 3rd day of May, 2021.

  
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JOHN L. KANE  
SENIOR U.S. DISTRICT JUDGE