

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

CAREER COLLEGES & SCHOOLS OF
 TEXAS,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION,
 et al.,

Defendants.

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1:23-CV-433-RP

ORDER

On April 4, 2024, the United States Court of Appeals for the Fifth Circuit filed a decision remanding this case with instructions for this Court to enter a preliminary injunction postponing the effective date of the provisions at issue until final judgment. (Dkt. 95, at 57). At that time, the Fifth Circuit clarified that its stay pending appeal would remain in effect until such injunction was entered. (*Id.*). Defendants petitioned for rehearing en banc, which was denied, and subsequently filed a petition for writ of certiorari at the U.S. Supreme Court., which was dismissed on August 11, 2025. On September 15, 2025, the Parties informed the Court that “[i]n light of [the denial of certiorari and the Fifth Circuit’s instruction for the Court to enter an order on limited remand], (and changes in personnel at the Department of Education and the Department of Justice), the parties are conferring to determine the appropriate next steps in this case.” (Dkt. 108). Since that time, the Parties have filed a series of status reports as they engage in discussions, which have been delayed by the fall 2025 government shutdown and other events. (Dkts. 109, 113, 115). At this time, Plaintiff has informed the Court that it intends to file a proposed first amended complaint on or before February 20, 2026, either with written consent of Defendants or with a motion requesting leave to amend. (Dkt. 115).

At this time, in light of the Plaintiff's intent to file an amended complaint and the Parties' proposed timeline, the Court will enter the preliminary injunction directed by the Fifth Circuit and direct the Parties to follow the schedule proposed in Plaintiff's status report of January 27, 2026, (Dkt. 115).

Therefore, **IT IS ORDERED** that the effective date of the borrower-defense and closed-school discharge provisions of the Institutional Eligibility Under the Higher Education Act of 1965, 87 Fed. Reg. 65,904 (Nov. 1., 2022) (final rule) is delayed until final judgment in this case, to the extent that such rule is in effect or, if no longer in effect, is attempted to be put back into effect.

IT IS FURTHER ORDERED that Plaintiff shall file a proposed amended complaint, either with written consent of Defendants or as an attachment to a motion for leave to amend, **on or before February 20, 2026**. Likewise, **on or before February 20, 2026**, the Parties shall propose a timeline for Defendants to respond to any amended complaint.

SIGNED on January 28, 2026.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE