

ENTERED

June 23, 2026

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EXTRAGRAMS, LLC, *et. al.*,

Plaintiffs,

v.

WARREN KENNETH PAXTON IN
AN OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF TEXAS,
et. al.,

Defendants.

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Civil Action No. H-23-cv-2847

ORDER

This matter returns to the Court following a remand by the United States Court of Appeals for the Fifth Circuit. In doing so, the Fifth Circuit has given explicit instructions to “reconsider the plaintiffs’ facial challenge to Section One of S.B. 12 under the *Moody* framework[.]” and “reconsider the plaintiffs’ facial vagueness challenge to Section One of S.B. 12 in light of *Roy*.” *Woodlands Pride v. Paxton*, 168 F.4th 293, 308 (5th Cir. 2026).

Now pending before the Court is Defendant Paxton’s Second Motion to Dismiss for Lack of Subject Matter Jurisdiction (Document No. 131). Having considered the motion, submissions, applicable law, and this Court and the Fifth Circuit’s prior rulings on this exact issue, *in detail*, the Court determines that Paxton’s motion should be denied.

Also pending before the Court is Plaintiff Extragrams, LLC's Motion for Temporary Restraining Order and Preliminary Injunction (Document No. 129), in which Plaintiff Extragrams, LLC "asks the Court to temporarily restrain and preliminarily enjoin the Texas Attorney General from enforcing Senate Bill 12 against it, its performers, and venues."¹ Plaintiffs now seek an "expedited briefing schedule to submit supplemental briefing that would assist the Court with amending its permanent injunction and declaratory judgment to address Plaintiffs' facial challenges to Texas Senate Bill 12 as directed by the Fifth Circuit."² Having considered the explicit instructions from the Fifth Circuit and the pending relief requested, the Court determines that supplemental briefing is warranted to aid the Court in amending its prior order regarding the permanent injunction and declaratory judgment to comply with the Fifth Circuit's instructions. Accordingly, the Court hereby

ORDERS that Defendant Paxton's Second Motion to Dismiss for Lack of Subject Matter Jurisdiction (Document No. 131) is **DENIED**. The Court further

¹ *Plaintiff Extragrams, LLC's Motion for Temporary Restraining Order and Preliminary Injunction*, Document No. 129 at 20.

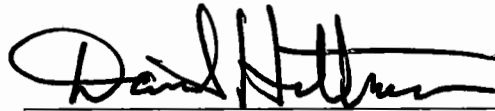
² *Id.* at 5.

ORDERS that a ruling on Plaintiff Extragrams, LLC's Motion for Temporary Restraining Order and Preliminary Injunction (Document No. 129) is **DEFERRED**.

The Court further

ORDERS that the parties in this matter must file supplemental briefing responsive to the Fifth Circuit's instructions, in addition to proposed findings of fact and conclusions of law, **NO LATER THAN TWENTY-ONE DAYS** from the date of this Order.

SIGNED at Houston, Texas, on this 23 day of June, 2026.

A handwritten signature in black ink, appearing to read "David Hittner", written over a horizontal line.

DAVID HITTNER
United States District Judge