

No. 141, Original

**In the
SUPREME COURT OF THE UNITED STATES**

STATE OF TEXAS,

Plaintiff,

v.

**STATE OF NEW MEXICO and
STATE OF COLORADO**

Defendants

OFFICE OF THE SPECIAL MASTER

**UNITED STATES OF AMERICA'S RESPONSE TO NEW MEXICO'S REQUEST
FOR LEAVE TO FILE A MOTION TO STRIKE ERRATA**

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On March 8, 2021, New Mexico requested leave to file a motion to strike the United States' Notice of Errata. *See* S.M. Doc. No. 485 (Notice); S.M. Doc. No. 487 (Request for Leave). To the extent a response is required, the United States opposes New Mexico's Request for Leave. The United States' Notice informed the Court of one misstatement and one wording mistake akin to a scrivener's error in the United States' Reply in Support of Its Motion for Summary Judgment, S.M. Doc. No. 472. Neither error affects the legal positions advanced by the United States in support of its Motion for Summary Judgment. To the extent New Mexico disputes the United States' characterization of NMSA 1978 § 72-9-4, that dispute is irrelevant to the matters under submission and can be addressed by New Mexico in a case where the construction of the statute is actually at issue. Because the state statute is not at issue in these proceedings, and New Mexico does not contest the wording mistake, the United States respectfully submits that New Mexico's Request for Leave should be denied. The United States reserves its right to contest the substance and basis of the proposed motion if leave is granted.

Respectfully submitted this 24th day of March, 2021,

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CERTIFICATE OF SERVICE

This is to certify that on the 24th day of March, 2021, I caused a true and correct copy of the **UNITED STATES OF AMERICA’S RESPONSE TO NEW MEXICO’S REQUEST FOR LEAVE TO FILE A MOTION TO STRIKE ERRATA** to be served via electronic mail upon those individuals listed on the Service List, attached hereto.

Respectfully submitted,

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