



The Biden administration has asked the Supreme Court to take emergency action that would block Texas' novel abortion ban from being enforced while litigation over its constitutionality goes forward.

The Justice Department's new filing, submitted Monday, asks the justices to restore a preliminary injunction a federal district court judge in Texas issued earlier this month after concluding that the law violates longstanding legal precedent by seeking to ban abortions after about six weeks gestation.

"Allowing S.B. 8 to remain in force would irreparably harm those interests and perpetuate the ongoing irreparable injury to the thousands of Texas women who are being denied their constitutional rights," acting Solicitor General Brian Fletcher wrote in [the 39-page application](#). "Texas, in contrast, would suffer no cognizable injury from a preliminary injunction barring enforcement of a plainly unconstitutional law."

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