

July 1, 2026

Office of the Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Re: **Vexler v. Spencer**, (petition for a writ of certiorari to the Supreme Court of Texas); federal interest in the Supremacy Clause question presented.

Dear Solicitor General Sauer:

I write on behalf of the petitioners in the above-captioned matter, a petition for a writ of certiorari filed in the Supreme Court of the United States seeking review of a judgment of the Supreme Court of Texas. The purpose of this letter is limited: to bring the petition to the attention of your Office because it presents a recurring question of federal law on which the United States has a substantial interest, and to respectfully suggest that the case may be an appropriate one in which the Court might benefit from the views of the United States.

The question presented is whether the Supremacy Clause permits a State, through a statutory “exclusive remedy,” to route a federal constitutional claim into an administrative tribunal that cannot grant the relief the claim requires, so that the claim can never be adjudicated in any forum and the responsible state official is, in effect, immunized from federal law. The petition arises from a Texas property-tax matter in which the Chief Appraiser stated on the public record that roughly 60,000 properties are valued outside the controlling mass-appraisal software, in a manner that petitioners allege does not comply with the appraisal standard that Texas law makes mandatory. The Texas courts dismissed petitioners’ federal takings and due process claims on the ground that a state “exclusive remedy” statute forecloses them, even though the designated administrative forum has no power to grant the prospective relief those federal claims require.

The federal interest is direct and was recently underscored by this Court. In *Williams v. Reed*, 604 U.S. 168 (2025), the Court held that a State may not apply an exhaustion or exclusivity rule in a manner that “in effect immunizes state officials” from a class of claims under 42 U.S.C. § 1983, and that the “jurisdictional label” a State attaches to such a rule is not dispositive. The petition contends that the Texas regime effects precisely that result, and does so more completely, because the exclusive forum can never grant relief at all. The proper scope of *Williams*, *Haywood v. Drown*, and *Howlett v. Rose*, and the limits on a State’s power to close its own courts to federal claims, are questions in which the United States has a recognized and continuing interest.

Petitioners recognize that a call for the views of the United States rests in the Court’s discretion and is not a step the parties can compel. We write to ensure that your Office is aware of the petition and of the federal question it raises, and to make clear that petitioners would welcome the participation of the United States, whether by amicus filing or in response to any call for its views.

This is an issue with national implications. A copy of the petition is enclosed. We would be glad to provide any additional materials your Office may find useful, and to make ourselves available at your convenience.

Thank you for your consideration.

Respectfully,

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Enclosure: Petition for a Writ of Certiorari

cc: Mr. Peter Ticktin, ESQ.
Mr. David Kenney, ESQ
Mr. Ryan Gentry, ESQ.