

# Citizen Suit Enforcement/Clean Air Act: US Department of Justice Files Intervention in NAACP's Challenge to Southaven, MS Data Center



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The United States Department of Justice (“DOJ”) filed on June 15, 2026, in the United States District Court for the Northern District of Mississippi, a motion for intervention and dismissal (“Motion”) in the pending case *NAACP and NAACP Mississippi State Conference v X.AI and MZX Tech, LLC*. See case no. 3:26-cv-00074-DMB-JMV.

The National Association for the Advancement of Colored People (“NAACP”) had filed on May 6, 2026, a Motion for Preliminary Injunction against X.AI and MZX Tech, LLC (collectively “X.AI”) requesting an injunction prohibiting operations which allegedly violate the Clean Air Act.

The organizations previously filed complaint alleged that between August and December of 2025, X.AI installed and began operating twenty-seven gas turbines (Colossus 2 Data Center) in Southaven, MS.

The data center is stated to power the company’s chatbot (GROK). It is alleged to have begun operating without a permit.

The NAACP asked that the U.S. District Court determine that X.AI had violated the Clean Air Act and require it to:

- Cease operating unpermitted turbines
- Install best available control technology
- Pay financial penalties

DOJ’s Motion opposes the NAACP and argues that their request:

... threatens American national, economic, and energy security by seeking to shut off the power supply for artificial intelligence innovation that supports the Department of War’s military operations. It further argues that the power to execute federal law belongs to the executive branch and that the Clean Air Act affords the United States primacy over citizen-enforcers when it comes to enforcement discretion citing Article 2 of the Constitution. Therefore, DOJ states that the United States has moved to intervene as a matter of right in the Clean Air Act citizen suit as a Plaintiff to inform the Court of its objections to the suit and request dismissal.

Components of DOJ’s Memorandum in Support of the Motion include:

- The United States is entitled to intervene in this Clean Air Act citizen suit

- Consistent with the role of executive power under Article 2 of the Constitution, the United States' right to intervene includes a right to dismiss this entire enforcement action.
- The Clean Air Act does not authorize citizen-enforcement actions that seek relief the government enforcers choose to forego
- Dismissal is required to avoid serious constitutional questions arising from the alternative interpretation of the Clean Air Act.

A copy of the [Motion](#) and the [Memorandum in Support](#) can be found here.