

# PRECAUTIONARY MEASURE IN AMPARO TRIAL: POSSIBILITY OF BINDING AUTHORITIES NOT DESIGNATED AS RESPONSIBLE

FEBRUARY 2025

## Executive Summary:

- On February 14, 2025, the Supreme Court of Justice of the Nation ("SCJN") published jurisprudence 1a./J. 2/2025 (11a.) in the Federal Judicial Weekly, establishing that it is possible to bind an authority not designated as responsible for compliance with the precautionary measure in an indirect amparo proceeding.
- According to the SCJN, as long as the bound authority is the one empowered to comply with the precautionary measure, this binding may be applied in terms of Articles 158 and 197 of the Amparo Law, the latter by analogy.

The First Chamber of the SCJN resolved the contradiction of criteria 203/2024, arising from divergent positions regarding the possibility of binding authorities other than those designated as responsible to comply with the precautionary measure in an indirect amparo proceeding. While the Second Collegiate Court in Criminal and Administrative Matters of the Seventeenth Circuit (Central-North Region), when resolving the complaint 9/2023, argued that such binding was possible based on Articles 147 and 158 of the Amparo Law, the Seventh Collegiate Court in Civil Matters of the First Circuit (Central-South Region), when resolving the complaint 281/2022, considered the opposite, arguing that it is only feasible for compliance with the protective ruling in accordance with Articles 192 and 197 of the same law.

The criterion adopted by the SCJN allows, in cases where the precautionary measure so requires,

to bind any authority that has the competence to comply with the injunction, even if it was not designated as responsible in the amparo proceeding. This interpretation seeks to guarantee the effectiveness of precautionary measures and prevent harm to the legal sphere of individuals while the merits of the case are resolved.

The justification lies in the power granted to amparo jurisdictional bodies by Article 158 of the Amparo Law, which allows taking the necessary measures to ensure compliance with the suspension. Additionally, Article 197 was applied by analogy, as it shares the objective of ensuring the full execution of judicial resolutions, both in the protective amparo judgment and in the ruling granting the suspension of the challenged act.

In its resolution, the SCJN also emphasized that Article 17, seventh paragraph, of the Political Constitution of the United Mexican States establishes that federal and local laws must guarantee the full execution of court rulings, which justifies the binding of any authority related to compliance with the precautionary measure.

In practice, this will allow petitioners of indirect amparo proceedings to have greater procedural flexibility to achieve the effective compliance of precautionary measures, even when the directly responsible authority cannot or does not wish to comply with the measure. Moreover, we believe that this criterion can be used to argue in favor of binding related authorities, expanding the chances of success in defense strategies. This publication is of particular interest to those involved in complex litigation or where multiple authorities are involved, as it facilitates the effective protection of human rights and ensures more effective judicial protection.

In summary, this new jurisprudential criterion will have a significant and very positive impact on the practice of indirect amparo, strengthening procedural tools to ensure compliance with precautionary measures and effectively protecting the rights recognized by our Political Constitution.

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