

S.D.N.Y.-N.Y.C.  
18-cv-2921  
18-cv-5025  
Furman, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21<sup>st</sup> day of November, two thousand eighteen.

Present:

John M. Walker, Jr.,  
Raymond J. Lohier, Jr.,  
*Circuit Judges,*  
William H. Pauley III,\*  
*District Judge.*

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In Re: United States Department of Commerce, Wilbur L. Ross, in his official capacity as Secretary of Commerce, United States Census Bureau, an agency within the United States Department of Commerce, Ron S. Jarmin, in his capacity as the Director of the U.S. Census Bureau,

18-2856  
18-2857

*Movants.*

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The Government moved for a stay of proceedings in two consolidated district court cases pending the Supreme Court's resolution of *In re Department of Commerce*, No. 18-557. We previously denied the motions as premature because the District Court had yet to decide the stay motion pending before it, and we stated that the motion would be automatically reinstated should the District Court deny the motion. *See* No. 18-2856, Dkt. No. 84. The District Court has now denied the Government's motion. Upon due consideration, and substantially for the reasons set forth in the District Court's brief opinion denying the motion before it, it is hereby ORDERED that the motions for a stay before this Court are DENIED. *See New York v. United States Dep't of Commerce*, No. 18-CV-2921 (JMF), Dkt. No. 544 (S.D.N.Y. Nov. 20, 2018); *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). The Government's motion for an immediate administrative

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\* Judge William H. Pauley III, of the United States District Court for the Southern District of New York, sitting by designation.

stay pending the resolution of its motion to stay proceedings is DENIED as moot.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

  
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