

D.O.E.
EERE-2020-BTSTD-1

United States Court of Appeals
FOR THE
SECOND CIRCUIT

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 18th day of May, two thousand twenty-one.

Present:

John M. Walker, Jr.,
Michael H. Park,
William J. Nardini,
Circuit Judges.

State of California, et al.,

Petitioners,

v.

21-108(L),
21-428(Con),
21-564(Con)

United States Department of Energy, Jennifer M. Granholm,
Secretary, United States Department of Energy,

Respondents.

Petitioners Alliance for Water Efficiency, U.S. Public Interest Research Group, and Environment America move to stay the agency rule at issue in these proceedings. All Petitioners move, unopposed, to stay briefing pending agency review of the challenged rule and to require the Department of Energy (“DOE”) to provide status reports. Upon due consideration, it is hereby ORDERED that the motion to stay the rule is DENIED, because Petitioners have not made a sufficient showing of irreparable injury absent a stay. *See Nken v. Holder*, 556 U.S. 418, 434–35 (2009). It is further ORDERED that the motion to stay briefing until October 1, 2021 and for status reports is GRANTED. The DOE is directed to provide status reports on its review process at 60-day intervals from the date of entry of this order.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court


