

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

TEXAS, et al.,

Plaintiffs-Appellees/
Cross-Appellants,

v.

UNITED STATES, et al.,

Defendants-Appellants/
Cross-Appellees.

No. 18-10545

**JOINT MOTION TO HOLD APPEAL IN ABEYANCE
PENDING THE ENTRY OF FINAL JUDGMENT**

For the following reasons, the parties respectfully request that the Court hold these cross-appeals in abeyance pending the entry of final judgment. Plaintiffs have authorized us to state that this motion is filed on behalf of all parties.

1. Because of uncertainty as to whether final judgment had been entered, defendants filed a notice of appeal on May 3, 2018. Plaintiffs filed a notice of appeal on May 17, 2018.

2. The district court has indicated that it intends to enter final judgment at a later date, after further proceedings. *See* ECF No. 93. Under Rule 4(a)(2) of the Federal Rules of Appellate Procedures, the notices of appeal will be treated as filed when the final judgment is entered. Accordingly, the parties jointly request that the

Court hold these appeals in abeyance pending the entry of final judgment. The parties will inform the Court when final judgment has been entered.

Respectfully submitted,

ALISA B. KLEIN

s/ Carleen M. Zubrzycki

CARLEEN M. ZUBRZYCKI

(202) 514-3388

Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave., NW, Rm. 7260

Washington, DC 20530

JUNE 2018

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2018, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Carleen M. Zubrzycki
Carleen M. Zubrzycki

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27 because it contains 150 words, according to the count of Microsoft Word 2013, and it was prepared in 14-point Garamond, a proportionally spaced font.

s/ Carleen M. Zubrzycki

Carleen M. Zubrzycki