

No. 18-10545

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**In the United States Court of Appeals  
for the Fifth Circuit**

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TEXAS, ET AL.,

*Plaintiffs-Appellees / Cross-Appellants,*

v.

UNITED STATES, ET AL,

*Defendants-Appellants / Cross-Appellees.*

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**THIRD JOINT STATUS REPORT**

1. By order dated June 15, 2018, this Court granted the parties' joint motion to hold this appeal in abeyance pending the entry of final judgment in the district court and directed the parties to submit status reports at 30-day intervals.

2. On August 21, 2018, the district court entered an order granting in part, and denying in part, Plaintiffs-Appellees / Cross-Appellants' motion for reconsideration. The August 21, 2018 order was not a final judgment, but stated that "[t]he Court will issue a separate final judgment order pursuant to Federal Rule of Civil Procedure 58."

3. On August 24, 2018, Defendants-Appellants / Cross-Appellees filed a motion to stay issuance of final judgment. Plaintiffs-Appellees / Cross-Appellants' filed a response on September 7, 2018. Per the local rules of the Northern District of

Texas, the reply of Defendants-Appellants / Cross-Appellees is due September 21, 2018. LR 7.1(f).

4. In its motion to stay issuance of final judgment, Defendants-Appellants / Cross-Appellees requested the district court to grant them “additional time to determine whether to seek interlocutory appeal under 28 U.S.C. § 1292(b).” In their response to the motion, Plaintiffs-Appellees / Cross-Appellants “concur[red] that an interlocutory appeal under 28 U.S.C. § 1292 is appropriate and request[ed] that the court certify its August 21, 2018 order (ECF No. 100) and all prior rulings for that purpose.”

5. The parties respectfully request that the Court maintain its abeyance of this matter as proceedings continue to move forward in the district court.

6. Counsel for the federal government has authorized Plaintiffs-Appellees / Cross-Appellants to state that this status report is filed on behalf of all parties.

Date: September 14, 2018

Respectfully submitted.

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2018, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Austin R. Nimocks

**CERTIFICATE OF COMPLIANCE**

I certify that this document complies with Federal Rules of Appellate Procedure 32(g) because it contains fewer than 5,200 words and was prepared in Microsoft Word using 14-point Equity typeface.

/s/ Austin R. Nimocks