

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

August 22, 2024

Christopher M. Wolpert
Clerk of Court

STATE OF ALASKA, et al.,

Plaintiffs - Appellees/Cross-
Appellants,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, et al.,

Defendants - Appellants/Cross-
Appellees.

STATE OF MISSOURI, et al.,

Amici Curiae.

STATE OF ALASKA, et al.,

Plaintiffs - Appellants,

and

STATE OF KANSAS, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, et al.,

Defendants - Appellees,

No. 24-3089
(D.C. No. 6:24-CV-01057-DDC-ADM)
(D. Kan.)

No. 24-3094
(D.C. No. 6:24-CV-01057-DDC-ADM)
(D. Kan.)

and

JOSEPH R. BIDEN, in his official capacity
as President of the United States,

Defendant.

CATO INSTITUTE, et al.,

Amici Curiae.

ORDER

Before **TYMKOVICH, EBEL, and McHUGH**, Circuit Judges.

The United States Court of Appeals for the Eighth Circuit has enjoined pending appeal several major parts of the Final Rule at issue in the appeals before us. *See Missouri v. Biden*, Nos. 24-2332, 24-2351, 2024 WL 3738157, at *4 (8th Cir. Aug. 9, 2024). In light of the Eighth Circuit’s injunction, these appeals are abated until further order of the court.

During the abatement, the parties must file a joint status report every 30 days.

Each report must describe the status of the following proceedings:

- Appeal Nos. 24-2332 and 24-3251 pending before the United States Court of Appeals for the Eighth Circuit.
- The application pending before the Supreme Court of the United States in No. 24A11.
- The application pending before the Supreme Court of the United States in No. 24A173.

Further, the parties must file a joint status report as soon as practicable if a dispositive order is entered in any of the proceedings listed above, or if action by either the Supreme Court or the Eighth Circuit affects the stay entered by this court in No. 24-3089 or the injunction entered by the Eighth Circuit in Nos. 24-2332 and 24-3251.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal flourish extending to the right.

CHRISTOPHER M. WOLPERT, Clerk