

No. 25-01265

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

D.B.U., et al., on their own behalf and on behalf of others similarly situated,

Petitioners-Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States,
et al.,

Respondents-Appellants.

On Appeal from the United States District Court
for the District of Colorado, Case No. 1:25-CV-1163-CNS
The Hon. Charlotte N. Sweeney

JOINT STATUS REPORT

Pursuant to the Court's October 8, 2025 order, Dkt. No. 38, the parties provide the following status report. The Fifth Circuit has scheduled en banc oral argument for January 22, 2026. *See* Letter, *W.M.M. v. Trump*, No. 25-10534 (5th Cir. Oct. 22, 2025), Dkt. 240. The parties request that the abeyance continue through the disposition of *W.M.M.* at the Supreme Court.

Date: December 9, 2025

Respectfully submitted,

/s/ Spencer S. Shucard

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CERTIFICATE OF COMPLIANCE

I certify that this document complies with the limitation set forth in Federal Rules of Appellate Procedure 27(b)(3) because it contains 61 words, exclusive of the portions of the brief that are exempted by Rule 32(f). I certify that this document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

/s/ Lee Gelernt
Lee Gelernt

December 9, 2025

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2025, I electronically filed the foregoing document with the Clerk for the United States Court of Appeals for the Tenth Circuit by using the CM/ECF system. A true and correct copy of this brief has been served via the Court's CM/ECF system on all counsel of record.

/s/ Lee Gelernt
Lee Gelernt

December 9, 2025