

United States Court of Appeals
for the Fifth Circuit

No. 23-50632

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GREG ABBOTT, *in his capacity as Governor of the State of Texas*; STATE
OF TEXAS,

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-853

Before RICHMAN, *Chief Judge*, and KING, JONES, SMITH, STEWART,
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT,
HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS and
RAMIREZ, *Circuit Judges*.

PER CURIAM:¹

¹ RICHMAN, *Chief Judge*, and JONES, SMITH, ELROD, SOUTHWICK, HAYNES,
WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, and WILSON, *Circuit Judges*,
voted to grant a stay pending appeal. KING, STEWART, GRAVES, HIGGINSON,
DOUGLAS, and RAMIREZ, *Circuit Judges*, voted to deny a stay pending appeal.

IT IS ORDERED that Appellants' opposed motion for a stay of the district court's preliminary injunction pending appeal is GRANTED. *See* FED. R. APP. P. 8; *Nken v. Holder*, 556 U.S. 418, 434 (2009).

IT IS FURTHER ORDERED that the administrative stay previously issued by this court on September 7, 2023, is VACATED.