

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

PRINTING TEXTILES, LLC, dba Berger Textiles,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2023-1576

Appeal from the United States Court of International Trade in No. 1:23-cv-00056-TCS, Senior Judge Timothy C. Stanceu.

ON MOTION

Before WALLACH, *Circuit Judge*.

O R D E R

Printing Textiles, LLC (“Berger”) moves pursuant to Rule 8 of the Federal Rules of Appellate Procedure for an injunction requiring the United States Customs and Border Protection to “return[] the entries to unliquidated status or suspend[]” protests 270422159803 and 520120101583. Mot. at 1, 17. Berger requests “immediate action” by March 15, 2023. *Id.* at 1.

Courts generally consider four factors in evaluating a motion for an injunction pending appeal: (1) whether the movant has made a strong showing of a likelihood of success on the merits; (2) whether the movant will be irreparably injured absent an injunction; (3) whether issuance of the injunction will substantially injure the other parties; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

Based on the papers submitted and without prejudicing the ultimate disposition of this appeal, I conclude that Berger has not established that an injunction is warranted here. In particular, Berger has failed to persuade the court of the likelihood that jurisdiction under 28 U.S.C. § 1581(a) would be manifestly inadequate such that jurisdiction under 28 U.S.C. § 1581(i) would be available to the United States Court of International Trade. I also conclude that there is inadequate time to assemble a panel of more than one judge to consider the motion within the timeframe that Berger itself requests, and therefore I decide this motion as a single judge. *See* Fed. R. App. P. 8(a)(2)(D) (explaining that “in an exceptional case in which time requirements make [consideration by a panel] impracticable, the motion may be made to and considered by a single judge”).

Accordingly,

IT IS ORDERED THAT:

The motion for an injunction is denied.

March 15, 2023

Date