MANDATE

S.D.N.Y.-N.Y.C.
20-cv-8668
Marrero, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of June, two thousand twenty-one.

Present:

Susan L. Carney,
Richard J. Sullivan,
Joseph F. Bianco,
Circuit Judges.

National Coalition on Black Civic Participation, et al.,

Plaintiffs-Appellees,

v.

21-232 (L),
21-495 (Con)

Jacob Wohl, et al.,

Defendants-Appellants,

John and Jane Does, 1-10,

Defendants.

Appellees move to dismiss the appeal; Appellants move to stay the district court proceedings or, alternatively, for a writ of mandamus. Upon due consideration, it is hereby ORDERED that Appellees' motion is GRANTED and the appeal is DISMISSED. This Court lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291 and the orders in question are not appealable under the collateral order doctrine. *See In re Roman Catholic Diocese of Albany, N.Y., Inc.*, 745 F.3d 30, 35 (2d Cir. 2014); *Hill v. City of N.Y.*, 45 F.3d 653, 663 (2d Cir. 1995) ("A denial of a motion to dismiss for failure to state a claim is neither a final decision, nor a basis for interlocutory review under *Cohen* [*v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)], and is not, standing alone, immediately appealable");

In re W.R. Grace & Co.-Conn., 984 F.2d 587, 589 (2d Cir. 1993) ("Pretrial discovery orders are generally not appealable."); *Chase Manhattan Bank, N.A. v. Turner & Newall, PLC*, 964 F.2d 159, 162–63 (2d Cir. 1992) ("We . . . reaffirm our long-stated view that *Cohen* does not provide jurisdiction to review interlocutory discovery orders.").

It is further ORDERED that Appellants' motion for a stay is DENIED as moot and their request for a writ of mandamus is DENIED because Appellants have not demonstrated that their right to the writ is clear and indisputable or that granting the writ is appropriate under the circumstances. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

A True Copy
Catherine O'Hagan Wolfe, Clerk
United States Court of Appeals, Second Circuit