

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 4/19/2023

ALVIN L. BRAGG, JR., *in his official capacity as
District Attorney for New York County,*

Plaintiff,

-against-

JIM JORDAN, *in his official capacity as Chairman
of the Committee on the Judiciary,* COMMITTEE
ON THE JUDICIARY OF THE UNITED STATES
HOUSE OF REPRESENTATIVES, and MARK F.
POMERANTZ,

Defendants.

1:23-cv-3032 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter motion to stay the Opinion and Order denying Plaintiff Bragg’s request for a temporary restraining order. [See ECF Nos. 44, 46.]

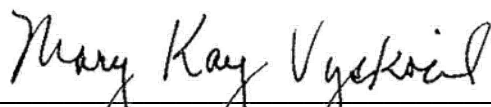
“A stay is an ‘intrusion into the ordinary processes of administration and judicial review.’” *Nken v. Holder*, 556 U.S. 418, 427 (2009) (citation omitted). In determining whether to issue a stay, the Court must consider whether: (1) the stay applicant is likely to succeed on the merits, (2) the applicant will be irreparably injured absent a stay, (3) issuance of the stay will substantially injure the other parties interested in the proceeding, and (4) where the public interest lies. *U.S. S.E.C. v. Citigroup Glob. Markets Inc.*, 673 F.3d 158, 162 (2d Cir. 2012); *see also Nken*, 556 U.S. at 434 (noting that “[t]here is substantial overlap between these and the factors governing preliminary injunctions”). The first two factors “are the most critical.” *Nken*, 556 U.S. at 434.

For the reasons discussed in the Court’s Opinion and Order at ECF No. 44, the Court finds Bragg is not likely to succeed on the merits of any appeal, nor will he be irreparably injured absent a stay. Accordingly, the motion for a stay is DENIED.

The Clerk of Court is respectfully requested to terminate docket entry 46.

SO ORDERED.

Date: April 19, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge