

**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 25th day of November, two thousand thirteen,

Jaenean Ligon, et al.,

Plaintiffs-Appellees,

ORDER
13-3123

v.

City of New York, et al.,

Defendants-Appellants.

David Floyd , et al.,

Plaintiffs-Appellees,

13-3088

v.

City of New York, et al.,

Defendants-Appellants.

Plaintiffs, separately in these two consolidated cases, moved for *en banc* consideration of the Court's October 31, 2013 decision and supplemented those motions with requests for *en banc* review of the Court's November 13, 2013 decisions.

Defendants and *amici curiae* who were granted leave to participate in the oral argument of the stay motion on October 29, 2013 were invited to respond to the motions for *en banc* consideration. Other *amici curiae* have moved for permission to be heard on the *en banc* motions. All the motions related to *en banc* consideration are pending before the Court.

In addition, two motions to intervene in the appeal are pending before the Court.

On November 21, 2013 the Court denied Defendant's motions to vacate the district court orders dated February 14, 2013 and August 12, 2013 "without prejudice to consideration as part of the appeal on the merits, or any application to us for a return of the cases to the District Court for the purpose of exploring a resolution."

To maintain and facilitate the possibility that the parties might request the opportunity to return to the District Court for the purpose of exploring a resolution, IT IS HEREBY ORDERED, that the motions for en banc consideration, the related FRAP 29 motions and the motions to intervene are held in abeyance pending further order of the Court. Papers due to be filed in the motions to intervene should be filed as directed by order dated November 19, 2013. The briefing schedule set in the October 31, 2013 decision remains in effect.

For the Court:
Catherine O'Hagan Wolfe
Clerk of Court

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