

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FREDRIC RUSSELL MANCE, JR. *et al.*,

VS.

ERIC HOLDER, ATTORNEY GENERAL
OF THE UNITED STATES, and B. TODD
JONES, DIRECTOR, BUREAU OF
ALCOHOL, TOBACCO, FIREARMS &
EXPLOSIVES

Civil Action No. 4:14-CV-00539-O

DEFENDANTS' MOTION FOR SIXTY-DAY STAY AND BRIEF IN SUPPORT

Defendants respectfully move for a stay of the Court's Memorandum Opinion and Order dated February 11, 2015 [ECF No. 40] for 60 days, in order to allow adequate time for the government to determine whether to appeal the Court's decision and, if so, whether to seek a stay pending appeal. The determination whether to appeal is entrusted by regulation to the Solicitor General of the United States. *See* 28 C.F.R. § 0.20(b).

The 60 days requested represents a modest amount of time for the Solicitor General to determine whether to appeal, after consultation with the affected governmental components. *See also* 28 U.S.C. § 2107(b) (allowing 60 days for filing a notice of appeal when the federal government is a party). No undue prejudice will result to Plaintiffs from the short stay requested, as evidenced by the fact that Plaintiffs have not sought preliminary injunctive relief in this case.

For the foregoing reasons, Defendants respectfully urge the Court to enter an order that stays the provisions of its Memorandum Opinion and Order dated February 11, 2015 for 60 days, until April 14, 2015. A proposed order is being submitted electronically in Word Perfect-compatible format to the Court's "Orders" email address.

Dated: February 13, 2015

Respectfully submitted,

JOYCE R. BRANDA
Acting Assistant Attorney General

JOHN R. PARKER
Acting United States Attorney

/s/ Daniel Riess

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CERTIFICATE OF SERVICE

On February 13, 2015, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) or the local rules.

/s/ Daniel Riess
Daniel Riess