

United States Court of Appeals
FOR THE FEDERAL CIRCUIT

Filed February 26, 2021

Issued February 27, 2021

No. 09-01

YIDDISHED,
Appellant

v.

AUSTINBOBOSTON1,
Appellee

Appeal from the United States District Court for the District of Nevada in 4:20-2350 DNDC (2021), District Judge Tripathi.

Before: GRANT, *Chief Judge*, and MARSHALL *Appointed Circuit Judge*, and GONZALEZ, *Circuit Judge*.

THOMAS, *Circuit Judge* took no part in the order of this case.

GRANT, *Chief Judge*

ORDER

On the 26th of February, 2021 Mr. Yiddished filed an appeal with the United States Court of Appeals under the Mandatory Review Jurisdiction clause within the Court of Appeals Introduction Act of 2021. Upon such appeal a request for stay was demanded.

Under Rule 8 of the Federal Rules of Appellate Procedure along with existing case law it is demanded that, for the Circuit Court to consider a stay motion, a motion for stay must also be filed with the District Court. See *Cumberland Tel. & Tel. Co v. Louisiana Public Service Commission*, 260 U.S. 212, 219, 43 S. Ct. 75, 67 L.Ed 217 (1922); *United States v. El-O-Pathic Pharmacy*, 192 F.2d 62 (9th Cir., 1951); *United States v. Hansell*, 109 F.2d 613 (2nd Cir., 1940).

The appellant has notified the Court that the District Court has issued a stay on the judgement in the aforementioned case docket ending 2350.

Under 28 U.S. Code § 1651; *Eastern Greyhound Lines v. Fusco*, 310 F.2d 632 (6th Cir., 1962); *In Re McKenzie*, 180 U.S. 536, 551, 21 S. Ct. 468, 45 L.Ed 657 (1901)) of which the Supreme Court held that the power is “inherent” and “part of its traditional equipment for the administration of justice”.

We believe the requirements under FRAP, FRCP and *Nken v. Holder*, 556 U.S. 418, 434 (2009); *Hilton v. Bruns*, 481 U.S. 770, 776 (1987) have been satisfied for this Court to issue a stay on the judgement issued in 4:20-2350 and any further orders, decisions or rulings arising thereof pending disposition of the case before the Court of Appeals.