

FILED

January 23, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BY: _____ **ps** _____
DEPUTY

UNITED STATES OF AMERICA	§	No. 1:23-CV-00853-DAE
	§	
Plaintiff	§	
	§	
vs.	§	
	§	
ABBOTT ET AL.	§	
Defendants	§	

ORDER

The matter before the Court is the status of this case. The Court has received Defendants' Opposed Motion to Stay Proceedings (dkt no. 71) in which the State of Texas has imposed a deadline upon the Court of 11:59pm January 23, 2024, under the threat that if this Court did not rule on the motion by that time, it would seek relief from the En Banc Fifth Circuit Court of Appeals. The Court notes that the motion was not filed until 11:56pm CST on January 22, 2024, and therefore the Court was not aware of the motion until the morning of January 23, 2024. The State of Texas acknowledges that the United States opposes the motion, with the United States advising this Court of its intent to respond to the motion late in the afternoon of January 23, 2024. Because this Court feels it is imperative to give both sides of

any dispute an opportunity to be heard, it will be impossible for this Court to file a meaningful order in response to Texas' imposed deadline. Naturally the State of Texas can take whatever action it desires. However, this Court intends to expedite its ruling and is going to make every effort to file a reasoned order addressing defendants' motion by Wednesday, January 24, 2024. Should the State of Texas' concern be the United States request to disclose experts January 24, 2024, this Court will extend that deadline until Friday, January 26, 2024.

IT IS SO ORDERED.

DATED: Austin, Texas, January 23, 2024.



David Alan Ezra
Senior United States District Judge