

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

STATE OF TEXAS, *et al.*,

Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants-Appellants.

No. 16-11534

**DEFENDANTS-APPELLANTS' NOTICE OF WITHDRAWAL OF
MOTION FOR PARTIAL STAY PENDING APPEAL
AND JOINT MOTION TO CANCEL ORAL ARGUMENT**

Defendants-appellants' motion for partial stay pending appeal is currently scheduled for oral argument before this Court on February 14, 2017.

Defendants-appellants hereby withdraw their pending November 23, 2016 motion for partial stay pending appeal. The parties jointly move to remove from the Court's calendar the February 14, 2017 oral argument currently scheduled for that motion. The parties are currently considering how best to proceed in this appeal.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

JEFFREY C. MATEER

First Assistant Attorney General

/s/ Scott A. Keller (by permission)

SCOTT A. KELLER

Solicitor General

JOSEPH D. HUGHES

Assistant Solicitor General

Office of the Attorney General

P.O. Box 12548 (MC 059)

Austin, TX 78711-2548

(512) 936-1700

Counsel for Plaintiffs-Appellees

State of Texas et al.

CHAD A. READLER

Acting Assistant Attorney General

AUGUST E. FLENTJE

Special Counsel to the Assistant

Attorney General

MARK B. STERN

MARLEIGH D. DOVER

/s/ Jeffrey E. Sandberg

JEFFREY E. SANDBERG

THAIS-LYN TRAYER

Attorneys, Civil Division, Appellate Staff

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Room 7214

Washington, DC 20530

(202) 532-4453

Counsel for Defendants-Appellants

United States of America, et al.

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2017, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I certify that all participants in this case are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system.

/s/ Jeffrey E. Sandberg

Jeffrey E. Sandberg

Attorney, U.S. Department of Justice

Civil Division, Appellate Staff

Counsel for the United States of America, et al.