

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARREN A. BRITTO, *et al.*,

Plaintiffs,

v.

2:23-CV-019-Z

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

ORDER

Before the Court is the parties' Joint Motion to Stay District Court Proceedings Pending Appeal ("Joint Motion") (ECF No. 71), filed December 8, 2023. For the following reasons, the Motion is **GRANTED**.

BACKGROUND

On November 8, 2023, this Court issued a Memorandum Opinion and Order that granted Plaintiffs' motion for a preliminary injunction. ECF No. 68. At issue was Defendant's "Final Rule," which was stayed in its entirety. *Id.* at 9. On November 29, 2023, Defendant notified this Court that it is appealing the decision to the United States Court of Appeals for the Fifth Circuit. ECF No. 69. Parties now "respectfully request that this Court stay further proceedings pending the Fifth Circuit's resolution of Defendant's appeal in this matter." ECF No. 71 at 1.

ANALYSIS

"This Court has the power to stay proceedings pending appeal, as 'the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.'" *Greco v. Nat'l Football League*, 116 F. Supp. 3d 744, 761 (N.D. Tex. 2015) (quoting *Landis v. N.*

Am. Co., 299 U.S. 248, 254 (1936)). “[I]n determining whether a stay is proper, courts consider the interests of the parties and potential conservation of judicial resources.” *Greco*, 116 F. Supp. 3d at 761; *Landis*, 299 U.S. at 254–55.

Here, the parties assert that “a stay pending appellate review” would “ensure that the Court’s and the parties’ time and resources are conserved.” ECF No. 71 at 2. And they aver that “Courts within this Circuit routinely stay proceedings where (as here) the resolution of an appeal will likely guide the district court in deciding the issues before it,” noting that this Court “previously entered a stay in this matter to await the Fifth Circuit’s decision in the *Mock* case.” *Id.*

The Court agrees. Staying proceedings pending this appeal serves the interests of justice and the conservation of judicial and public resources. *See Astec Am., Inc. v. Power-One, Inc.*, No. 6:07-CV-464, 2008 WL 11441994, at *3 (E.D. Tex. July 15, 2008) (“Controlling litigation expenses and . . . judicial resources serves not only the parties and the Court, but also the public as a whole.”). Moreover, staying proceedings in this context is both reasonable and typical for the Fifth Circuit. *Greco*, 116 F. Supp. 3d at 761; *Cunningham v. Hamilton-Ryker IT Sols., LLC*, 2023 WL 2964422, at *2 (S.D. Tex. Apr. 10, 2023).

CONCLUSION

Pending Defendant’s appeal, the above-styled case should be and hereby is **STAYED**. Accordingly, the Clerk is **DIRECTED** to stay all proceedings until further notice. This Court’s previously issued injunction against Defendant’s “Final Rule” is left wholly intact. ECF No. 68.

SO ORDERED.

January 11, 2024



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE