

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BLAKE WATTERSON,

Plaintiff,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES et al.,

Defendants.

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Civil Action No. 4:23-cv-00080
Judge Mazzant

ORDER

Pending before the Court is Plaintiff's Emergency Motion for Expedited Consideration of the Motion to Reconsider and Modify the Court's June 7, 2023 Order, or in the alternative, Expedited Consideration of Plaintiff's Motion for Summary Judgment (Dkt. #43). Having considered the motion and relevant pleadings, the Court finds the motion should be **GRANTED**.

For the reasons stated in Plaintiff's motion, as well as the reasons articulated in the Fifth Circuit's recent decision in *Mock v. Garland*, --- F.4th ---, No. 23-10319, 2023 WL 4882763, at *1 (5th Cir. Aug. 1, 2023), the Court finds that Plaintiff has established a likelihood of success on the merits in this case on his claim under the Administrative Procedure Act, and there is good cause for expedited consideration of Plaintiff's motion to reconsider. Thus, the Court sets the following briefing schedule for the parties, which shall focus on the irreparable-harm, balance-of-equities, and public-interest factors pertaining to Plaintiff's motion for a preliminary injunction (Dkt. #7):

Plaintiff shall file any supplemental briefing, if necessary, by August 21, 2023;¹

¹ This is not an invitation to file unnecessary materials. To the extent Plaintiff feels he can rest on matters already briefed in his original motion for a preliminary injunction (Dkt. #7), or that are already briefed in the Plaintiff's motion for reconsideration (Dkt. #42) or motion for summary judgment (Dkt. #6), he should not feel obliged to repeat those arguments.

Defendants shall file any response or supplemental briefing by August 28, 2023; and
Plaintiff shall file any reply briefing by September 5, 2023.

In addition to the foregoing, and to clarify the Court's previous order, the Court notes that its current injunction (Dkt. #37) remains in effect until the Fifth Circuit's mandate issues in *Mock v. Garland*.

IT IS SO ORDERED.

SIGNED this 14th day of August, 2023.

A handwritten signature in black ink that reads "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE