

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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May 23, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-10319 Mock v. Garland
USDC No. 4:23-CV-95

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Lisa E. Ferrara

By: _____
Lisa E. Ferrara, Deputy Clerk
504-310-7675

Mr. Ryan Baasch
Mr. Richard Brent Cooper
Mr. Erik Scott Jaffe
Mr. Sean Janda
Mr. Benjamin Lewis
Mr. Jody Dale Lowenstein
Ms. Karen S. Mitchell
Mr. Joshua James Prince
Mr. Stephen Dean Stamboulieh
Mr. Cody J. Wisniewski
Ms. Abby Christine Wright

P.S. to all counsel: An expedited briefing schedule will issue under separate cover. Paper copies of all briefs will be due for filing immediately after electronic filing.

United States Court of Appeals
for the Fifth Circuit

No. 23-10319

WILLIAM T. MOCK; CHRISTOPHER LEWIS; FIREARMS POLICY
COALITION, INCORPORATED, *a nonprofit corporation*; MAXIM
DEFENSE INDUSTRIES, L.L.C.,

Plaintiffs—Appellants,

versus

MERRICK GARLAND, *U.S. Attorney General, in his official capacity as
Attorney General of the United States*; UNITED STATES DEPARTMENT
OF JUSTICE; BUREAU OF ALCOHOL, TOBACCO, FIREARMS, and
EXPLOSIVES; STEVEN DETTELBACH, *in his official capacity as the
Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives,*

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CV-95

UNPUBLISHED ORDER

Before HAYNES,¹ ENGELHARDT, and OLDHAM, *Circuit Judges.*

¹ JUDGE HAYNES concurs only in part: she concurs in the order of an expedited appeal. With respect to the request for a preliminary injunction pending appeal, as a member of the motions panel, she would grant an administrative stay to the plaintiffs in this case as to the

PER CURIAM:

IT IS ORDERED that the appeal is EXPEDITED to the next available Oral Argument Calendar.

IT IS FURTHER ORDERED that Appellants' Opposed Motion For a Preliminary Injunction Pending Appeal is GRANTED as to the Plaintiffs in this case. *See* FED. R. APP. P. 8; *Nken v. Holder*, 556 U.S. 418 (2009).

challenged Final Rule for a brief period of time and defer the question of the injunction pending appeal to the oral argument merits panel which receives this case.