

FILED: May 29, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1382 (L)
(8:18-cv-01570-GJH)

LA UNION DEL PUEBLO ENTERO; TEXAS SENATE HISPANIC CAUCUS; TEXAS HOUSE OF REPRESENTATIVES MEXICAN AMERICAN LEGISLATIVE CAUCUS; SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT; CALIFORNIA LATINO LEGISLATIVE CAUCUS; COALITION FOR HUMANE IMMIGRANT RIGHTS; DOLORES HUERTA FOUNDATION; MI FAMILIA VOTA EDUCATION FUND; SOMOS UN PUEBLO UNIDO; GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS; LABOR COUNCIL FOR LATIN AMERICAN ADVANCEMENT; PROMISE ARIZONA; EL PUEBLO, INC.; MARYLAND LEGISLATIVE LATINO CAUCUS; ASIAN AMERICANS ADVANCING JUSTICE-CHICAGO; ASIA SERVICES IN ACTION, INC.; ORGANIZATION OF CHINESE AMERICANS-GREATER HOUSTON; MINKWON CENTER FOR COMMUNITY ACTION, INC.; CHELSEA COLLABORATIVE; CHICANOS POR LA CAUSA; LATINO COMMUNITY FUND OF WASHINGTON; ARIZONA LATINO LEGISLATIVE CAUCUS; GENE WU; JUANITA VALDEZ-COX; CALIFORNIA LEGISLATIVE BLACK CAUCUS; CALIFORNIA ASIAN PACIFIC ISLANDER LEGISLATIVE CAUCUS; OCA-GREATER HOUSTON; FRIENDLY HOUSE; FOUR DIRECTIONS, INC.; MIA GREGERSON; RAJ MUKHERJI; CINDY RYU; SHARON SANTOS; OLIVER SEMANS, SR.

Plaintiffs - Appellees

v.

WILBUR L. ROSS, sued in his official capacity as U.S. Secretary of Commerce; DIRECTOR RON JARMIN, sued in his official capacity as Performing the Non-

Exclusive Functions and Duties of the Director, U.S. Census Bureau; U. S.
CENSUS BUREAU; U. S. DEPARTMENT OF COMMERCE

Defendants - Appellants

ORDER

Upon consideration of submissions relative to defendant-appellants' motion to place this case in abeyance, the court grants the motion in part. Defendant-appellants' appeal concerning the Census Act, the Administrative Procedure Act, and the Enumeration Clause claims is placed in abeyance pending the issuance of the Supreme Court's decision in *Department of Commerce v. New York*, No. 18-966.

Upon consideration of plaintiff-appellees' motion to expedite the appeal, the court orders expedited briefing solely on plaintiff-appellees' Fifth Amendment equal protection claim in accordance with the following briefing schedule, as proposed in plaintiff-appellees' response to the motion to place the appeals in abeyance (ECF No. 24):

- June 5, 2019: Parties file the joint appendix;
- June 5, 2019: Plaintiff-Appellees file their opening brief on the Fifth Amendment issue;
- June 19, 2019: Defendant-Appellants file their response brief;
- June 26, 2019: Plaintiff-Appellees file their reply brief, if any.

Following the completion of briefing on the Fifth Amendment claim, as well as the issuance of the Supreme Court's decision in *New York*, the panel will determine whether to order supplemental briefing on the remaining issues or to

schedule oral argument.

For the Court

/s/ Patricia S. Connor, Clerk