

United States Court of Appeals
for the Fifth Circuit

No. 24-50149

United States Court of Appeals
Fifth Circuit

FILED

March 19, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

STATE OF TEXAS; GREG ABBOTT, *in his official capacity as Governor of Texas*; TEXAS DEPARTMENT OF PUBLIC SAFETY; STEVEN C. MCCRAW, *in his official capacity as Director of Texas Department of Public Safety*,

Defendants—Appellants,

LAS AMERICAS IMMIGRANT ADVOCACY CENTER; AMERICAN GATEWAYS; COUNTY OF EL PASO, TEXAS,

Plaintiffs—Appellees,

versus

STEVEN C. MCCRAW, *in his official capacity as Director of the State of Texas Department of Public Safety*; BILL D. HICKS, *in his official capacity as District Attorney for the 34th District*,

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:24-CV-8
USDC No. 1:23-CV-1537

Before RICHMAN, *Chief Judge*, OLDHAM, and RAMIREZ, *Circuit Judges*.

PER CURIAM:

Oral argument is scheduled on March 20, 2024, to consider the Appellants' Motion to Stay Preliminary Injunction Pending Appeal. A majority of the panel has concluded that the administrative stay entered by a motions panel on March 2, 2024, should be lifted. Accordingly,

IT IS ORDERED that the administrative stay of this appeal previously entered by a motions panel on March 2, 2024, is DISSOLVED.

ANDREW S. OLDHAM, *Circuit Judge*, dissenting:

A preliminary injunction is an extraordinary remedy that alters the status quo. *See Winter v. Nat. Res. Def. Council, Inc.*, [555 U.S. 7, 24](#) (2008); *Nken v. Holder*, [556 U.S. 418, 429](#) (2009). A stay preserves the status quo while an appellate court reviews the lawfulness of that alteration. *Nken*, [556 U.S. at 429](#). Earlier today, the Supreme Court of the United States restored an administrative stay so our panel could review the State’s request for emergency relief under [Federal Rule of Appellate Procedure 8](#). *See United States v. Texas*, No. 23A814 (U.S. Mar. 19, 2024) (Mem.). I would leave that stay in place pending tomorrow’s oral argument on the question.