

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-CV-22
(JUDGE KLEEH)

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and ALEJANDRO
MAYORKAS, in his official capacity
as the Secretary of the United States
Department of Homeland Security,

Defendants.

ORDER OF ADMINISTRATIVE STAY

Defendants filed a motion to stay this action pending the conclusion of proceedings in Texas v. Biden, -- F. Supp. 3d ----, 2021 WL 3603341 (N.D. Tex. Aug 13, 2021). [ECF No. 18]. Defendants also move for an administrative stay of all deadlines in this case, including Plaintiff's deadline to file a preliminary injunction and Defendants' deadline to answer the amended complaint. [ECF No. 20]. Plaintiff responded in opposition to both motions to stay. [ECF No. 22].

The Defendants in Texas v. Biden have filed a Petition for a Writ of Certiorari with the Supreme Court of the United States. The Court, having sound discretion to stay these proceedings, hereby **ORDERS** an **ADMINISTRATIVE STAY** of this action pending resolution of the Petition for a Writ of Certiorari filed in Texas

v. Biden. This stay includes the deadlines for any motion for preliminary injunction and Defendants' answer or responsive pleading to the amended complaint. Therefore, the motion for administrative stay [ECF No. 20] is **GRANTED** and Defendants' motion to stay [ECF No. 18] pending the *conclusion* of proceedings in Texas v. Biden is **DENIED** without prejudice with leave to refile.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: January 26, 2022

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE