

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

July 23, 2024

Christopher M. Wolpert
Clerk of Court

STATE OF KANSAS, et al.,

Plaintiffs - Appellants,

and

STATE OF ALASKA, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, President of the
United States of America, in his official
capacity, et al.,

Defendants - Appellees.

No. 24-3093
(D.C. No. 6:24-CV-01057-DDC-ADM)
(D. Kan.)

ORDER

This matter is before the court upon the filing of appellants' docketing statement. The docketing statement concedes that the order to be reviewed in this appeal [ECF No. 68] is not a final order, but also indicates that appellants have sought—in the district court—the entry of final judgment under Federal Rule of Civil Procedure 54(b). [ECF No. 99]. Appellants' motion for entry of judgment remains pending.

Without deciding whether the pending motion for entry of judgment requires abatement, the court abates this appeal in the interest of judicial economy and efficiency. All outstanding deadlines are vacated and will be reset by subsequent order of the court.

Appellants shall file an abated case status report on the earlier of: (i) August 22, 2024 or (ii) within two days of the district court's ruling on ECF No. 99. Any such abated case status report shall, at a minimum: (i) report on the status of ECF No. 99 and any other matter bearing on the abatement of this appeal; (ii) state each party's respective position on whether the abatement of this appeal ought to continue; and (iii) include, with respect to any party taking the position that the abatement of this appeal ought not to continue, a short statement of that party's position on how the appeal ought to proceed.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk