

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-5320**September Term, 2025****1:25-cv-00190-JMC****Filed On:** March 9, 2026

Make The Road New York, et al.,

Appellees

v.

Kristi Noem, Secretary of the U.S.
Department of Homeland Security, in her
official capacity, et al.,

Appellants

BEFORE: Wilkins, Rao, and Walker, Circuit Judges

ORDER

Upon consideration of appellants' renewed emergency motion for a stay pending appeal, the opposition thereto, and the reply, it is

ORDERED that appellants' renewed motion for a stay pending appeal be denied. On November 22, 2025, a special panel granted in part and denied in part the initial motion for a stay pending appeal. The panel majority explained its decision in a thorough opinion, from which Judge Rao dissented. *See Make the Rd. N.Y. v. Noem*, No. 25-5320, 2025 WL 3563313 (D.C. Cir. Nov. 22, 2025). Appellants did not seek panel rehearing, "the ordinary means of reconsidering a panel decision" or rehearing en banc. Fed. R. App. P. 40(a); see D.C. Cir. R. 40. Nor have appellants "demonstrated that circumstances have changed" or provided any other appropriate reason for revisiting the special panel's decision. Order, *U.S. Inst. of Peace v. Jackson*, No. 25-5185 (D.C. Cir. Nov. 26, 2025) (per curiam) (citing *Consol. Edison Co. of N.Y., Inc. v. Fed. Power Comm'n*, 511 F.2d 372, 378 (D.C. Cir. 1974)).

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk