

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS, *et al.*,**

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*Plaintiffs,*

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**ALEXANDER GREEN, *et al.*,**

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*Plaintiff-Intervenors,*

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§

§

v.

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§

**GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,**

§

§

§

*Defendants.*

§

**EP-21-CV-00259-DCG-JES-JVB  
[Lead Case]**

&

**All Consolidated Cases**

**ORDER**

Before the Court is the State Defendants' Opposed Motion to Stay Pending Appeal (ECF No. 1440). The Court **DENIES** the Motion.<sup>1</sup>

“A stay pending appeal is extraordinary relief for which defendants bear a heavy burden.”<sup>2</sup>

To determine whether it should exercise its discretion to grant a stay pending appeal, a court considers the four *Nken* factors: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.”<sup>3</sup>

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<sup>1</sup> The Court retains jurisdiction to rule on this motion under FED. R. CIV. P. 68(d). *See also* FED. R. APP. P. 8(a).

<sup>2</sup> *Plaquemines Parish v. Chevron USA, Inc.*, 84 F.4th 362, 373 (5th Cir. 2023) (quoting *Vote.Org v. Callanen*, 39 F.4th 297, 300 (5th Cir. 2022)) (citation modified).

<sup>3</sup> *Id.* (quoting *Nken v. Holder*, 556 U.S. 418, 434 (2009)).

For the reasons set forth in the Court's Memorandum Opinion and Order granting the Plaintiff Groups' Motions for Preliminary Injunction (ECF No. 1437), the Court **DENIES** the Motion (ECF No. 1440).

**So ORDERED and SIGNED this 21st day of November 2025.**



DAVID C. GUADERAMA  
SENIOR U.S. DISTRICT JUDGE

*And on behalf of:*

**Jeffrey V. Brown  
United States District Judge  
Southern District of Texas**

**U.S. Circuit Judge Jerry E. Smith would grant this motion.**