

[ORAL ARGUMENT NOT YET SCHEDULED]

No. 26-5257

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,

Plaintiff-Appellee,

v.

U.S. POSTAL SERVICE, et al.,

Defendants-Appellants.On Appeal from the United States District Court
for the District of Columbia (No. 20-2295)

APPELLEE'S MOTION TO VACATE AND DISMISS

On July 1, 2026, the district court granted Appellee NAACP's Motion to Enforce Compliance with Settlement Agreement and Order, and issued an injunction in this case. *See* Dkt. No. 181. On July 6, 2026, Appellants U.S. Postal Service, et al. (USPS), filed a notice of appeal, *see* Dkt. No. 183, and a motion to stay the district court's order pending appeal, Dkt. No. 184. On July 17, this Court issued a per curiam decision granting Appellants' motion to stay.

Pursuant to Federal Rule of Appellate Procedure 42, Appellee hereby moves this Court to vacate the district court order on appeal. That order enjoined procedures that USPS plans to implement imminently with respect to mailed ballots for the November 3, 2026, general election. Because of the timing of that implementation and the upcoming election, a decision on the merits after briefing and argument, if it affirmed the decision below and lifted the stay, would come too late to effectuate the time-sensitive relief that Appellee sought in the district court and that the district court had ordered.

To avoid unnecessary briefing, Appellee therefore asks this Court to vacate the order on appeal and then to dismiss the appeal.

Date: August 10, 2026

/s/ Sam Spital

Sam Spital

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because it contains 202 words, according to the count of Microsoft Word. The motion complies with Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook font, a proportionally spaced typeface.

/s/ Sam Spital
Sam Spital

Counsel for Appellee NAACP

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2026, I electronically filed the foregoing motion with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. The participants in this case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Sam Spital
Sam Spital

Counsel for Appellee NAACP