

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

THE STATE OF TEXAS

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, ET

AL.,

Defendants.

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Civil Action No. 7:26-CV-00070-O

OPINION & ORDER

Before the Court are Proposed Intervenor City of Baltimore, Maryland; City of Columbus, Ohio; City of New Haven, Connecticut; and Centro Legal de la Raza's Emergency Motion for a Stay Pending Appeal (ECF No. 25); and the State of Texas' Response (ECF No. 28). Having considered the Motion, briefing, and applicable law, the Court finds that the Motion should be, and hereby is, **DENIED**.

Proposed Intervenor may not appeal the underlying judgment because, having been denied intervention, they are not parties to the action. *See Marino v. Ortiz*, 484 U.S. 301, 304 (1988) (per curiam). Accordingly, they may not obtain a stay of the judgment. In any event, Proposed Intervenor have failed to carry their burden of establishing that a stay pending appeal is warranted under the *Nken* factors. *United States v. Texas*, 97 F.4th 268, 274 (5th Cir. 2024) (quoting *Nken v. Holder*, 556 U.S. 418, 426 (2009)).

For the foregoing reasons, the Court concludes that Proposed Intervenor have not met their burden of showing that the circumstances justify an exercise of the Court's discretion to grant a stay pending appeal. Accordingly, the Court **DENIES** Proposed Intervenor's Motion (ECF No. 25).

SO ORDERED on this **2nd day of September, 2026.**


Reed O'Connor
CHIEF UNITED STATES DISTRICT JUDGE