

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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DOC #:  
DATE FILED: 4/19/2023

ALVIN L. BRAGG, JR., *in his official capacity as  
District Attorney for New York County,*

Plaintiff,

-against-

JIM JORDAN, *in his official capacity as Chairman  
of the Committee on the Judiciary,* COMMITTEE  
ON THE JUDICIARY OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES, and MARK F.  
POMERANTZ,

Defendants.

1:23-cv-3032 (MKV)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter motion to stay the Opinion and Order denying Plaintiff Bragg’s request for a temporary restraining order. [See ECF Nos. 44, 46.]

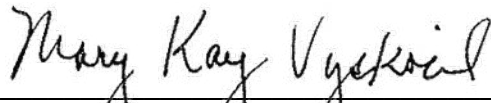
“A stay is an ‘intrusion into the ordinary processes of administration and judicial review.’” *Nken v. Holder*, 556 U.S. 418, 427 (2009) (citation omitted). In determining whether to issue a stay, the Court must consider whether: (1) the stay applicant is likely to succeed on the merits, (2) the applicant will be irreparably injured absent a stay, (3) issuance of the stay will substantially injure the other parties interested in the proceeding, and (4) where the public interest lies. *U.S. S.E.C. v. Citigroup Glob. Markets Inc.*, 673 F.3d 158, 162 (2d Cir. 2012); *see also Nken*, 556 U.S. at 434 (noting that “[t]here is substantial overlap between these and the factors governing preliminary injunctions”). The first two factors “are the most critical.” *Nken*, 556 U.S. at 434.

For the reasons discussed in the Court’s Opinion and Order at ECF No. 44, the Court finds Bragg is not likely to succeed on the merits of any appeal, nor will he be irreparably injured absent a stay. Accordingly, the motion for a stay is DENIED.

The Clerk of Court is respectfully requested to terminate docket entry 46.

**SO ORDERED.**

**Date: April 19, 2023**  
**New York, NY**

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**MARY KAY VYSKOCIL**  
**United States District Judge**