

S.D.N.Y. – W.P.  
23-cv-8262  
Halpern, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29<sup>th</sup> day of January, two thousand twenty-four.

Present:

Dennis Jacobs,  
Barrington D. Parker,  
Myrna Pérez,  
*Circuit Judges.*

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Students for Fair Admissions,

*Plaintiff-Appellant,*

v.

24-40

United States Military Academy at West Point, United States Department of Defense, Lloyd Austin, in his official capacity as Secretary of Defense, Christine Wormuth, in her official capacity as Secretary of the Army, Lieutenant General Steven Gilland, in his official capacity as Superintendent of the United States Military Academy, Lieutenant Colonel Rance Lee, in his official capacity as Director of Admissions for the United States Military Academy at West Point,

*Defendants-Appellees.*

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Appellant moves for an emergency injunction pending appeal. Having weighed the applicable factors, we conclude that an injunction pending appeal is not warranted. *See Agudath Isr. of Am. v. Cuomo*, 980 F.3d 222, 226 (2d Cir. 2020) (per curiam). Accordingly, upon due consideration, it is hereby ORDERED that the motion is DENIED.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

 