

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5204

September Term, 2020

1:20-cv-01002-APM

1:20-cv-01059-APM

1:20-cv-01070-APM

Filed On: September 30, 2020

Confederated Tribes of the Chehalis
Reservation, et al.,

Appellees

Ute Tribe of the Uintah and Ouray Indian
Reservation, 20-cv-01070,

Appellant

v.

Steven T. Mnuchin, in his official capacity as
Secretary of U.S. Department of the Treasury,
et al.,

Appellees

Consolidated with 20-5205, 20-5209

BEFORE: Henderson*, Millett, and Katsas, Circuit Judges

ORDER

Upon consideration of the emergency motion to suspend statutory lapse of appropriation and extend budget authority, the responses thereto, and the replies, it is

ORDERED that to ensure an opportunity for orderly review of this Court's September 25, 2020 decision, as well as the government's ability to disburse the disputed funds upon completion of the litigation, any expiration of the appropriation for Tribal governments set forth in 42 U.S.C. 801(a)(2)(B) is hereby suspended. See *Nat'l Ass'n of Reg'l Councils v. Costle*, 564 F.2d 583, 588 (D.C. Cir. 1977). It is

*Circuit Judge Henderson would deny the motion.

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FURTHER ORDERED that this order will expire at 5:00 p.m. on October 30, 2020, unless the federal government or the intervenor-appellees has by then filed either a petition for rehearing en banc or for a writ of certiorari seeking review of this Court's decision, in which case this order will remain effective until seven days after final action by this Court or the Supreme Court.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Amanda Himes
Deputy Clerk