

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 03-5262

September Term, 2003

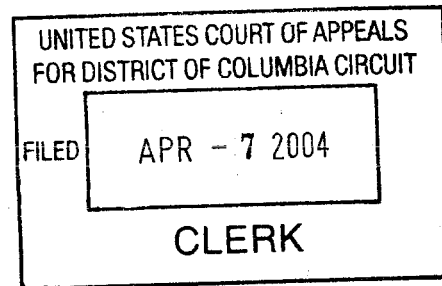
96cv01285

Filed On:

Elouise Pepion Cobell, et al.,
Appellees

v.

Gale A. Norton, as the Secretary of the Interior and
Aurene M. Martin, Acting Assistant Secretary of
Interior-Indian Affairs,
Appellants



Consolidated with 04-5084

BEFORE: Ginsburg, Chief Judge, and Randolph and Rogers,
Circuit Judges

ORDER

Upon consideration of the emergency motion for stay pending appeal filed in No. 04-5084; the opposition thereto, and motion to vacate the administrative stay issued on March 24, 2004; the reply to the opposition to the motion for stay pending appeal, and opposition to the motion to vacate the administrative stay; the reply to the opposition to the motion to vacate the administrative stay; the motion to exceed word limits for appellees' brief; the response thereto; and the reply, it is

ORDERED that the administrative stay be dissolved, that the motion for stay pending appeal be granted, and that the district court's preliminary injunction issued on March 15, 2004 be stayed to the extent that the injunction requires disconnection from the internet of "Information Technology Systems" that were connected as of that date. Appellants have made a substantial case on the merits, and the remaining stay factors, particularly the irreparable harm to the appellants if a stay is not granted, strongly favor the grant of a stay. See Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2002). It is

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FURTHER ORDERED that the motion to vacate the administrative stay be dismissed as moot. It is

FURTHER ORDERED that the motion to exceed word limits for appellees' brief be denied.

Per Curiam

Handwritten signature consisting of three lines: a large stylized 'A', the letters 'APR', and the initials 'JWR'.