

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-5287**

**September Term 2010**

**1:09-cv-01575-RCL**

**Filed On:** September 9, 2010

James L. Sherley, Dr., et al.,  
Appellees

v.

Kathleen Sebelius, in her official capacity as  
Secretary of the Department of Health and  
Human Services, et al.,  
Appellants

**BEFORE:** Henderson, Brown, and Griffith, Circuit Judges

**ORDER**

Upon consideration of the emergency motion for stay pending appeal and for immediate administrative stay, it is

**ORDERED** that the district court's August 23, 2010 order be stayed pending further order of the court. The purpose of this administrative stay is to give the court sufficient opportunity to consider the merits of the emergency motion for stay and should not be construed in any way as a ruling on the merits of that motion. See D.C. Circuit Handbook of Practice and Internal Procedures 33 (2010). It is

**FURTHER ORDERED** that appellees file a response to the emergency motion by September 14, 2010, at 4:00 p.m. The appellants may file a reply by 4:00 p.m. on September 20, 2010. The parties are directed to hand-deliver the paper copies of their submissions to the court by the time and date due.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Jennifer M. Clark  
Deputy Clerk