

W.D.N.Y.
22-cv-695
Sinatra, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

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 12th day of December, two thousand twenty-two.

Present:

Robert D. Sack,
Richard C. Wesley,
Joseph F. Bianco,
Circuit Judges.

Brett Christian, et al.,

Plaintiffs-Appellees,

v.

22-2987

Steven A. Nigrelli, in his official capacity as
Superintendent of the New York State Police, et al.,

Defendants-Appellants.

Appellants request a stay pending appeal of the district court's order dated November 22, 2022 (W.D.N.Y. 22-cv-695, doc. 49), enjoining Appellants from enforcing a provision of New York's Concealed Carry Improvement Act criminalizing possession of a firearm in a restricted location with respect to private property open to the public. *See* N.Y. Penal Law § 265.01-d.

Having weighed the applicable factors, *see In re World Trade Ctr. Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007), we conclude that a stay pending appeal is warranted. Accordingly, upon due consideration, it is hereby ORDERED that the motion for a stay pending appeal is GRANTED and the district court's November 22 order is STAYED pending the resolution of this appeal. The Clerk of Court shall set an expedited briefing schedule for the appeal.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe

