

W.D.N.Y.
22-cv-771
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 7th day of December, two thousand twenty-two.

Present:

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

Jimmie Hardaway, et al.,

Plaintiffs-Appellees,

v.

22-2933

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 3, 2022 (W.D.N.Y. 22-cv-771, doc. 52), enjoining Appellants from enforcing a provision of New York's Concealed Carry Improvement Act criminalizing possession of a firearm in a place of worship or religious observation. See N.Y. Penal Law § 265.01-e(2)(c). 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 3 order is STAYED pending the resolution of this appeal. To the extent that the district court's order bars enforcement of § 265.01-e(2)(c) as it pertains to persons who have been tasked with the duty to keep the peace at places of worship, such category is EXCEPTED from this order. The Clerk of Court shall set an expedited briefing schedule for the appeal.

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


