

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

NEW MEXICO HEALTH	)	
CONNECTIONS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-00773 JB/KBM
	)	
UNITED STATES DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR A STAY OF JOINT STATUS REPORT  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the deadline to file a joint status report by January 4, 2019 in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the January 4, 2019 deadline to file a joint status report in this case until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that the Plaintiff has no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the deadline to file a joint status report by January 4, 2019 in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: December 26, 2018

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

DIANE KELLEHER  
Assistant Branch Director

/s/ James Powers  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2018, I caused the foregoing document to be served on counsel for plaintiff by filing with the court's electronic case filing system.

/s/ James Powers  
James R. Powers