

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

NEW MEXICO HEALTH CONNECTIONS,

Plaintiff-Appellee,

v.

U.S. DEPARTMENT OF HEALTH & HUMAN  
SERVICES, et al.,

Defendants-Appellants.

No. 18-2186

**UNOPPOSED MOTION FOR A STAY OF FILING DEADLINE  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Appellants' docketing statement and transcript order form are currently due January 2, 2019. For the following reasons, we respectfully request that this deadline be stayed and extended for a period of time that is commensurate with the duration of the lapse of appropriations.

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. We therefore request a stay of the deadline for filing the docketing statement and transcript order form until Congress has restored appropriations to the Department. We request that, once Congress has appropriated funds for the Department, the deadline for the docketing statement and transcript order form be extended for a period of time that is commensurate with the duration of the lapse in appropriations.

4. Opposing counsel has authorized us to state that this motion is unopposed.

Respectfully submitted,

MARK B. STERN  
s/Alisa B. Klein  
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DECEMBER 2018

## REQUIRED CERTIFICATIONS

I hereby certify that:

- (1) All required privacy redactions have been made.
- (2) Any required paper copies to be submitted to the court are exact copies of the version submitted electronically.
- (3) The electronic submission was scanned for viruses with the most recent version of a commercial virus scanning program, and is free of viruses.
- (4) On December 26, 2018, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Alisa B. Klein  
Alisa B. Klein