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Catherine O'Hagan Wolfe, Clerk
U.S. Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007

Re: *State of New York v. U.S. Department of Homeland Security*, No. 20-2537

Dear Ms. O'Hagan Wolfe:

On August 7, 2020, Appellants filed an emergency motion for a stay pending appeal of the district court's nationwide preliminary injunction enjoining the Department of Homeland Security's August 2019 Rule defining "public charge" for purposes of 8 U.S.C. § 1182(a)(4). Appellants asked for a decision on that emergency stay motion by August 21, 2020. On August 12, 2020, this Court issued a partial temporary stay of the nationwide scope of the district court's preliminary injunction, leaving the preliminary injunction in effect within the Second Circuit. This Court has not yet ruled on Appellants' emergency stay motion.

In light of the ongoing, irreparable harms caused by the district court's preliminary injunction, and the fact that the Supreme Court has already granted a stay of the district court's earlier preliminary injunction against the Rule based on the same merits objections, *see Department of Homeland Sec. v. New York*, 140 S. Ct. 599 (2020) (mem.), we respectfully inform this Court that the Acting Solicitor General has

determined that we will seek relief from the Supreme Court on September 14, 2020, if this Court has not ruled on the emergency stay motion before then.

Sincerely,

/s/ Jack Starcher

Jack Starcher

Attorney for the Defendants-Appellants