

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

SKYWORKS, LTD., et al.,

Plaintiffs-Appellees,

v.

CENTERS FOR DISEASE CONTROL
AND PREVENTION, et al.,

Defendants-Appellants.

No. 21-3443

UNOPPOSED MOTION TO HOLD APPEAL IN ABEYANCE

The government filed a notice of appeal from the district court's March 10, 2021 judgment, in an abundance of caution. *See* Notice of Appeal, RE 63, Page ID # 2020-2022. However, we recognize that this appeal is premature because plaintiffs' Rule 59(e) motion is pending before the district court. *See* Motion to Clarify or Amend Judgment, RE 57, Page ID # 1947-1952. Thus, we respectfully ask the Court to hold the appeal in abeyance. The notice of appeal will become effective when the district court enters an order disposing of plaintiffs' Rule 59(e) motion. *See* Fed. R. App. P. 4(a)(4)(A)(iv), (B)(i). Plaintiffs do not oppose this abeyance motion.

Respectfully submitted,

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s/ Brian J. Springer

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MAY 2021

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because the motion contains 115 words. The motion complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it has been prepared using Microsoft Word 2016 in Century Expd BT 14-point font, a proportionally spaced typeface.

s/ Brian J. Springer

Brian J. Springer

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit 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/ Brian J. Springer

Brian J. Springer