

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No. 23-12331

---

A.R.

by and through her next friend, Susan Root,  
et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

SECRETARY OF THE AGENCY FOR HEALTH CARE  
ADMINISTRATION, et al.,

Defendants,

STATE OF FLORIDA,

2

Order of the Court

23-12331

Defendant-Appellant.

---

Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 0:12-cv-60460-DMM

---

Before JORDAN, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

Florida has filed a motion for a stay, pending appeal, of the district court's permanent injunction.

Granting "an emergency motion to stay the trial court's mandate is [ ] an exceptional response." *Garcia-Mir v. Meese*, 781 F.2d 1450, 1453 (11th Cir. 1986). Four factors warrant such a remedy: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *League of Women Voters of Fla., Inc. v. Fla. Sec'y of State*, 32 F.4th 1363, 1370 (11th Cir. 2022). See also *Ruiz v. Estelle*, 650 F.2d 555, 565 (5th Cir. Unit A June 26, 1981) (same). And "[w]hen the state is a party, the third and fourth considerations are largely the same." *Scott v. Roberts*, 612 F.3d 1279, 1290 (11th Cir. 2010).

23-12331

Order of the Court

3

Following a preliminary review of the record, and with the benefit of oral argument, we grant in part the motion for stay pending appeal. Parts III.D, III.E, V.A.2, VI.C, VI.D, VI.E, and VI.F of the district court's permanent injunction are stayed pending the panel's decision on Florida's appeal. In all other respects the motion for stay is denied.

BRASHER, Circuit Judge, concurring in part and dissenting in part:

I would stay all parts of the district court's injunction. Therefore, I concur in part and dissent in part from the Court's order.