

No. 19-1268

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

<p><b>FILED</b> Mar 22, 2019 DEBORAH S. HUNT, Clerk</p>
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In re: GUN OWNERS OF AMERICA, INC., et al., )  
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      Petitioners.                                               )

ORDER

Before: COLE, Chief Judge; KEITH and CLAY, Circuit Judges.

The petitioners are the plaintiffs in an action challenging the final rule of the Bureau of Alcohol, Tobacco, Firearms, and Explosives regulating bump-stock devices. Bump-Stock-Type Devices, 83 Fed. Reg. 66514, 2018 WL 6738526 (Dec. 26, 2018) (“Final Rule”). They petition this court for 1) a writ of mandamus directing the district court to enjoin the implementation of the Final Rule pending a ruling on their motion for a preliminary injunction, and 2) an order staying the March 26, 2019 effective date of the Final Rule and enjoining its enforcement pending a final, unappealable decision on their claims. The government has filed a response in opposition to the issuance of an emergency stay, and the plaintiffs reply.

On March 21, 2019, the district court denied the motion for preliminary injunction. The plaintiffs concede that their petition for a writ of mandamus is moot, but they ask the court to still rule on a stay under Federal Rule of Appellate Procedure 8. However, because the petition for a writ of mandamus is moot, we lack jurisdiction to consider the request for a stay at this time.

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The petition for a writ of mandamus is **DISMISSED** as moot; a stay pending appeal is **DENIED**, without prejudice to the plaintiffs' right to move for a stay in an appeal from the denial of a preliminary injunction.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

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Deborah S. Hunt, Clerk