

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court



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May 21, 2014

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 14-10086-DD
Case Style: USA v. Secretary, Florida Department
District Court Docket No: 1:12-cv-22958-PAS

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

The enclosed order has been ENTERED.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Elora Jackson, DD/bmc
Phone #: (404) 335-6173

MOT-2 Notice of Court Action

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 14-10086-DD

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Defendant-Appellant,

FLORIDA DEPARTMENT OF CORRECTIONS,

Defendant.

Appeal from the United States District Court
for the Southern District of Florida

Before: HULL, WILSON, and JORDAN, Circuit Judges.

BY THE COURT:

Before the Court is Appellant's "Motion for Partial Stay of Preliminary Injunction Order Pending Appeal." Appellant's motion asks for a stay of the district court's preliminary injunction prohibiting Appellant from enforcing the following three aspects of Appellant's Religious Diet Program: (1) the "Sincerity Test," (2) the "Ten Percent Rule," and (3) the "Zero Tolerance Policy." However, Appellant's motion for a stay in the district court requested relief only with respect to the district court's injunction of the Appellant's "Zero Tolerance Policy." Accordingly, Appellant's motion is DENIED WITHOUT PREJUDICE subject to Appellant's

right to file a renewed motion for stay in the district court that addresses all of the relief that it seeks in the present motion before this Court. *See United States v. Drogoul*, 1 F.3d 1546, 1558 n.29 (11th Cir. 1993) (“We generally require the district court to rule on the question of a stay in the first instance”); *see also* Fed.R.App.P. 8(a) (providing that a party must ordinarily first move in the district court for a stay of an order pending appeal). We trust that the district court will rule expeditiously on the motion for stay, especially given the July 1, 2014, deadline provided in the preliminary injunction order.