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January 29, 2024

Scott Harris, Clerk of the Court  
c/o Laurie Wood  
Supreme Court of the United States  
One First Street NE  
Washington, D.C. 20543

Re: *Students for Fair Admissions v. United States Military Academy at West Point, et al.*, No. 23A696

Dear Mr. Harris:

Earlier today, the Second Circuit denied SFFA's emergency motion for an injunction pending appeal. The court's order is attached.

Respectfully submitted,

/s/ Patrick Strawbridge  
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Counsel for Students for Fair Admissions

S.D.N.Y. – W.P.  
23-cv-8262  
Halpern, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29<sup>th</sup> day of January, two thousand twenty-four.

Present:

Dennis Jacobs,  
Barrington D. Parker,  
Myrna Pérez,  
*Circuit Judges.*

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Students for Fair Admissions,

*Plaintiff-Appellant,*

v.

24-40

United States Military Academy at West Point, United States Department of Defense, Lloyd Austin, in his official capacity as Secretary of Defense, Christine Wormuth, in her official capacity as Secretary of the Army, Lieutenant General Steven Gilland, in his official capacity as Superintendent of the United States Military Academy, Lieutenant Colonel Rance Lee, in his official capacity as Director of Admissions for the United States Military Academy at West Point,

*Defendants-Appellees.*

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Appellant moves for an emergency injunction pending appeal. Having weighed the applicable factors, we conclude that an injunction pending appeal is not warranted. *See Agudath Isr. of Am. v. Cuomo*, 980 F.3d 222, 226 (2d Cir. 2020) (per curiam). Accordingly, upon due consideration, it is hereby ORDERED that the motion is DENIED.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court

  
