IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

State of Arizona, et al.,

Plaintiff,

v.

Janet Yellen, et al.,

Defendants.

No. CV-21-00514-PHX-ROS

ORDER

The Sixth Circuit recently concluded the "offset provision" in the American Rescue Plan Act of 2021 "is impermissibly vague under the Spending Clause." *Kentucky v. Yellen*, 54 F.4th 325, 330 (6th Cir. 2022). Defendants subsequently filed a document in this case stating they "disagree with the Sixth Circuit's ruling on the merits . . . and are currently considering their options for further review." (Doc. 91 at 10). The Court will take no action on the pending motions in this case until Defendants have decided whether to seek further review of the Sixth Circuit's opinion. Once Defendants seek additional review, or the deadline for doing so has passed, Defendants will be required to file a status report. If Defendants seek further review, their status report shall indicate whether the present case should be stayed pending that review. If Defendants opt not to seek further review, the status report shall state whether they plan to enforce the offset provision against all states except Tennessee. Plaintiff will then be required to file a response within five days.

Accordingly,

IT IS ORDERED the Motion to File Amicus (Doc. 83) is **GRANTED**. The Clerk

of Court shall file the brief lodged at Doc. 84.

IT IS FURTHER ORDERED no later than five days after seeking further review of the Sixth Circuit's opinion, or the deadline for such review passing, Defendants shall file a status report. Plaintiff shall file a response no later than five days after Defendants' filing.

Dated this 10th day of January, 2023.



Honorable Roslyn O. Silver
Senior United States District Judge