

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MYRA BROWN and ALEXANDER
TAYLOR,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION;
MIGUEL CARDONA, in his official
capacity as the Secretary of Education,

Defendants.

CIVIL ACTION NO. 4:22-cv-908

NOTICE

Plaintiffs file this Notice to alert the Court to a recent action by the U.S. Court of Appeals for the Eighth Circuit. On Thursday, the Eastern District of Missouri dismissed a complaint filed by Nebraska and five other states challenging the Loan Forgiveness Program. *See Nebraska v. Biden*, No. 22-cv-1040 (E.D. Mo.) (Dkt. 44). The States then filed a motion for an injunction pending appeal and an emergency motion for an administrative stay prohibiting the government from discharging any student loan debt under the program until the Court rules on the motion for an injunction pending appeal. *See Nebraska v. Biden*, No. 22-3179 (8th Cir.).

The Eighth Circuit granted the States' emergency motion for an administrative stay. *See Ex. A*. The Eighth Circuit set an expedited briefing schedule on the motion for an injunction pending appeal, ordering the government to file its opposition by Monday, October 24, at 5:00 pm and the States to file their reply by Tuesday, October 25, at 5:00 pm. *Id.* The Order is attached to this Notice.

Respectfully submitted,

Dated: October 21, 2022

/s/ J. Michael Connolly

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on October 21, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System and will serve a copy on each of the Defendants according to the Federal Rules of Civil Procedure.

/s/ J. Michael Connolly
J. Michael Connolly

Exhibit A

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

No: 22-3179

State of Nebraska, et al.

Appellants

v.

Joseph R. Biden, Jr., in his official capacity as the President of the United States of America, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:22-cv-01040-HEA)

ORDER

Appellants' emergency motion for an administrative stay prohibiting the appellees from discharging any student loan debt under the Cancellation program until this Court rules on the appellants' motion for an injunction pending appeal is granted. The request for expedited briefing on the motion for an injunction pending appeal is granted as follows:

Appellees' response in opposition shall be due on or before 5:00 PM Central, Monday, October 24, 2022 and the Appellants' reply, if any, is due on or before 5:00 PM Central, Tuesday, October 25, 2022.

October 21, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans