

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

February 11, 2019

Lyle W. Cayce  
Clerk

---

No. 18-50895

---

TEXAS RETAILERS ASSOCIATION,

Plaintiff - Appellee

v.

UNITED STATES DEPARTMENT OF AGRICULTURE,

Defendant - Appellant

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:18-CV-659

---

Before JOLLY, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

In light of the Supreme Court's pending review of the case *Food Marketing Inst. v. Argus Leader Media*, No. 18-481, 2019 WL 166877 (U.S. Jan. 11, 2019), we VACATE the preliminary injunction issued by the district court and REMAND with instructions that the court stay its hand from further activity until the Supreme Court's decision is rendered.<sup>1</sup>

**VACATED AND REMANDED WITH INSTRUCTIONS.**

---

\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

<sup>1</sup> If the court, following the Supreme Court's decision, reopens this case, it must explain why any disclosure ordered by courts in a sister circuit to which, as here, jurisdiction first attached, is not "authorized by law" pursuant to the Trade Secrets Act, 18 U.S.C. § 1905.