

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ALABAMA DEPARTMENT OF MENTAL  
HEALTH AND MENTAL RETARDATION,**

**Defendant.**

**CASE NO. 2:08-cv-1025-MEF**

**(WO)**

**ORDER**

Pursuant to Federal Rule of Civil Procedure 62, Defendant Alabama Department of Mental Health and Mental Retardation (“ADMHMR”), filed Defendant’s Motion to Stay Execution of Judgment Pending Appeal (Doc. # 98). Plaintiff United States of America opposes the motion. The Court has carefully considered the submissions in support of and in opposition to the motion. The Court finds that ADMHMR has failed to establish (1) any likelihood that it will prevail on the merits in its appeal; (2) any likelihood that it will be irreparably injured in the absence of a stay; (3) any lack of harm to third parties should a stay be granted; or (4) any strong public interest that granting a stay will serve. Accordingly, it is hereby ORDERED that the motion is DENIED to the extent it seeks a stay of the injunctive relief portion of the Judgment pending appeal.

DONE this the 31<sup>st</sup> day of January, 2011.

/s/ Mark E. Fuller

CHIEF UNITED STATES DISTRICT JUDGE