

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: NEELAM TANEJA

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17-cv-9429 (JGK)

MEMORANDUM OPINION
& ORDER

JOHN G. KOELTL, District Judge:

On October 15, 2018, this Court denied the motion of the pro se appellant, Neelam Taneja, for reconsideration of this Court's Memorandum Decision and Order affirming the bankruptcy court's dismissal of her Chapter 13 petition. Dkt. No. 26.

Taneja now brings a motion for a stay pending her appeal to the Second Circuit Court of Appeals pursuant to Federal Rule of Civil Procedure 62(c) and Federal Rule of Appellate Procedure 8(a)(1)(A) and (C).

"A stay is an intrusion into the ordinary processes of administration and judicial review, and accordingly is not a matter of right, even if irreparable injury might otherwise result to the appellant." Nken v. Holder, 556 U.S. 418, 427 (2009) (internal quotation marks and citations omitted). The movant bears the burden of showing that a stay is justified under the circumstances. Id. at 433-34.

In determining whether to grant a stay, courts consider four factors: "(1) whether the stay applicant has made a strong

showing that [s]he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." U.S. S.E.C. v. Citigroup Global Mkts. Inc., 673 F.3d 158, 162 (2d Cir. 2012) (per curiam). "Courts have treated these factors like a sliding scale, such that more of one excuses less of the other[s]." Strougo v. Barclays PLC, 194 F. Supp. 3d 230, 233 (S.D.N.Y. 2016) (internal quotation marks omitted). The first two factors "are the most critical," and accordingly, receive the most weight. Nken, 556 U.S. at 434.

Taneja's motion for stay does not provide any basis for the Court to conclude that she has a likelihood of success on the merits in her proceeding before the Second Circuit Court of Appeals; rather, she reiterates arguments that she made in her initial appeal to this Court, which this Court has already considered and dismissed. Further, Taneja states that she will be irreparably harmed absent a stay and that a stay would not harm the public interest, but has not provided a basis for those assertions.

Because Taneja has not shown that any of the four relevant factors weigh in favor of a stay, Taneja's motion for a stay is **denied**. Taneja may file a motion for a stay before the Second

Circuit Court of Appeals pursuant to Federal Rule of Appellate
Procedure 8(a)(2)(A)(ii).

SO ORDERED.

Dated: New York, New York
 October 23, 2018



John G. Koeltl
United States District Judge