

ORDER:
This motion is denied
as moot.
John Bryant,
USMJ

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CAROLINA RUTH BARNARD,)
Plaintiff,)
v.) CASE NO.: 3:12-0298
) JUDGE NIXON
) MAGISTRATE JUDGE BRYANT
CAROLYN W. COLVIN¹,)
Acting Commissioner of Social Security,)
Defendant.)

MOTION FOR A STAY BECAUSE OF LAPSE OF APPROPRIATIONS

The Defendant hereby moves for a stay of all proceedings in the above-captioned case.

At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances. These include “emergencies involving the safety of human life or the protection of property,” 31 U.S.C. § 1342, or when Department attorneys have express legal authority to continue working such as by court order. If the Court denies this motion for a stay, the United States Attorney’s Office will comply with the Court’s order and staff the case appropriately to comply with the Court’s order.

Undersigned counsel for the Department of Justice therefore requests a stay of the entire case until Congress has restored appropriations to the Department.

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should, therefore, be substituted for Commissioner Michael J. Astrue as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).