

United States District Court  
Southern District of Texas

**ENTERED**

April 28, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MARANDA LYNN O'DONNELL, <i>et al.</i> ,	§	
On behalf of themselves and all others	§	
similarly situated,	§	
	§	
Plaintiffs,	§	
	§	CIVIL ACTION NO. H-16-1414
VS.	§	
	§	
HARRIS COUNTY, TEXAS, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ORDER ON CONTINGENT MOTION TO STAY**

The defendants' contingent motion to stay pending appeal,<sup>1</sup> (Docket Entry No. 252), is denied without prejudice. Specifically, the motion to stay filed before either the order of preliminary injunction or a notice of appeal from that order was entered, is denied without prejudice. *Cf.* FED. R. BANKR. P. 8007(a)(2) (permitting a motion to stay before notice of appeal in bankruptcy cases). The defendants spent much of their briefing guessing—incorrectly—what relief the court would order and explaining why this hypothetical relief would be unfeasible. (*See* Docket Entry No. 252 at 5–6 (assuming the need to revise the bail schedule and release all misdemeanor arrestees in Harris County)).

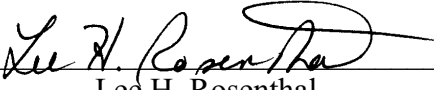
The defendants may refile their motion after they have reviewed the preliminary injunction the court has now issued and have filed a notice of appeal. At that time, they may update their briefs on why the balance of the equities favors a stay in light of the relief ordered.

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<sup>1</sup> The defendant Harris County Sheriff and the defendant presiding judge of County Court at Criminal Law No. 16 do not join the motion to stay. (*See* Docket Entry No. 252 at 1).

If some defendants do not join the motion to stay, the court requests a statement of position from the nonmoving defendants no later than one day after the motion to stay is filed.

SIGNED on April 28, 2017, at Houston, Texas.

  
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Lee H. Rosenthal  
Chief United States District Judge