

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

CONSUMERS' RESEARCH, ET AL.,

*Petitioners,*

v.

FEDERAL COMMUNICATIONS COMMISSION  
and UNITED STATES OF AMERICA,

*Respondents.*

No. 25-60535

On Petition for Review of an Action of  
the Federal Communications Commission

**RESPONDENTS' UNOPPOSED MOTION FOR STAY IN LIGHT  
OF LAPSE IN APPROPRIATIONS**

Respondents respectfully move this Court for a stay of this proceeding, including the filing of the administrative record (currently due November 10), until fourteen days after Congress restores government appropriations. Under this proposal, the administrative record would be due the same day that the stay expires (fourteen days after appropriations are restored). Counsel for the Federal Communications Commission ("FCC") has contacted counsel for

petitioners and is authorized to state petitioners do not oppose the requested relief.<sup>1</sup>

As the Court is likely aware, on October 1, 2025, appropriations funding significant portions of the federal government, including the FCC and the Department of Justice (“DOJ”), expired. As of this writing, no further appropriation by Congress has been made.

Absent a further Congressional appropriation, the federal government is required to impose significant restrictions on the ability of many of its employees to carry out their ordinary duties. Specifically, certain DOJ attorneys, agency attorneys, and other employees of the federal government are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. The lapse in appropriations thus requires a substantial reduction in the workforces of the FCC and DOJ, particularly with

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<sup>1</sup> As of this filing, motions to intervene have been filed by the Schools, Health and Libraries Broadband Coalition, as well as the Benton Institute for Broadband & Society, the National Digital Inclusion Alliance, and the Center for Media Justice dba MediaJustice, and NTCA – The Rural Broadband Association. Counsel for those movants have authorized FCC counsel to represent that they consent to this request to stay proceedings.

respect to the defense of civil cases. This reduction has effectively eliminated the ability of counsel who have worked on and are familiar with this case to handle the litigation while the lapse in appropriations continues.

Under the circumstances, Respondents respectfully request that the Court: (1) stay this proceeding, including the filing of the administrative record, until fourteen days after the restoration of funding to FCC and DOJ; and (2) extend all pending and potential deadlines accordingly. We regret the necessity of this request and thank the Court for its time and consideration.

Dated: October 31, 2025

Respectfully submitted,

*/s/ Jacob M. Lewis*

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## CERTIFICATE OF COMPLIANCE

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/s/ Jacob M. Lewis  
Jacob M. Lewis  
*Counsel for Respondent*  
*Federal Communications Commission*

## CERTIFICATE OF FILING AND SERVICE

I, Jacob Lewis, hereby certify that on October 31, 2025, I filed the foregoing Respondents' Unopposed Motion for Stay in Light of Lapse of Appropriations with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the electronic CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

*/s/ Jacob M. Lewis*  
\_\_\_\_\_  
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