

[NOT SCHEDULED FOR ORAL ARGUMENT]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ANGE SAMMA, *et al.*,

Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,

Defendants-Appellants,

No. 20-5320

STATUS REPORT

On June 30, 2021, this Court placed this appeal in abeyance and postponed briefing deadlines, directing that status reports be filed at 60-day intervals.

As was explained in the government's abeyance motion, on June 17, 2021, the Department of Defense promulgated guidance rescinding the portions of the policy challenged by plaintiffs in this case pending the Department's review of the relevant issue. Since that time, the Department has been engaged in that review process and although the Department has made progress on that review, some additional steps remain to be completed. In

particular, Gilbert Ray Cisneros, Jr., who is the Under Secretary of Defense for Personnel and Readiness and who oversees the relevant policy area, was only recently confirmed by the Senate to that position. Accordingly, additional time is required to allow the new Undersecretary to review the facts and legal issues and to consider potential policy options.

The agency thus requires additional time to review the relevant facts in light of the multiple legal issues presented in this appeal, to consult with all interested agency parties, and to determine the appropriate course moving forward. We therefore respectfully ask that the appeal remain in abeyance. Pursuant to the Court's order, appellants will file another status report no later than 60 days after the filing of this report, by October 29, 2021.

Respectfully submitted,

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