

JACKSON, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 24A287

HORSERACING INTEGRITY AND SAFETY
AUTHORITY, INCORPORATED, ET AL. *v.*
NATIONAL HORSEMEN'S BENEVOLENT
AND PROTECTIVE ASSOCIATION, ET AL.

ON APPLICATION FOR STAY

[October 28, 2024]

The application for stay of the mandate presented to JUSTICE ALITO and by him referred to the Court is granted. The mandate of the United States Court of Appeals for the Fifth Circuit, case No. 23–10520, is stayed pending the disposition of the petition for a writ of certiorari, case No. 24–433. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the issuance of the judgment of this Court.

JUSTICE JACKSON, dissenting from the grant of stay.

Applicants ask this Court to stay the Fifth Circuit's mandate, thereby preventing the entry of a future injunction by the District Court. In my view, their application fails to demonstrate any exigency that would warrant such emergency relief. See *Labrador v. Poe*, 601 U. S. ___, ___ (2024) (JACKSON, J., dissenting from grant of stay) (slip op., at 1). Indeed, applicants have also filed an unopposed petition for certiorari in this Court, and it is reasonably likely that the lower courts would not do anything to change the status quo if this Court granted the petition. Thus, whatever the stay factors might portend, I see no reason for us to intervene in an emergency posture. I would therefore deny the application and promptly proceed to consider the pending petition for certiorari.