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

NO. 11-1271

IN RE AIKEN COUNTY, *ET AL.*

On Petition for Writ of Mandamus (Agency Action Unreasonably Withheld)

RESPONDENTS' RESPONSE
TO PETITIONERS' MOTION TO LIFT ABEYANCE ORDER

Respondents take no position on Petitioners' extraordinary motion, which implies that this Court should drop all other matters, deal with Petitioners' case to the exclusion of all other cases, and (of course) rule in their favor. The only reason that such a motion could be proper is if some harm were occurring to Petitioners during the pendency of this case. But Petitioners' motion fails to claim any harm (much less irreparable harm) flowing from this Court's current schedule. Instead, Petitioners' current filing merely recites several merits arguments already presented in their prior filings and claims that these arguments justify a departure from this Court's normal procedures.

This Court is well aware of the facts in this case, has already expedited the case at Petitioners' request, and has issued interim opinions. Moreover, the Order holding the case in abeyance (issued August 3, 2012) was lifted with the filing of

the status reports on January 4, 2013, as directed by this Court. Petitioners' motion is wholly unnecessary because the case is no longer being held in abeyance and this Court is well aware of the facts underlying the parties' dispute.

Respondents have no interest in delay. But Respondents are also aware that this case is not the only one pending before this Court. We are confident that this Court is capable of managing its own docket and reaching a considered decision in due course.

Accordingly, Respondents take no position on Petitioners' motion. To the extent that Petitioners' filing raises merits arguments, those arguments are improper in this setting and, in any event, have already been presented to this Court. However, if the Court so directs, Respondents will respond to Petitioners' merits arguments.

Respectfully submitted,

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