United States Court of Appeals
For the First Circuit

No. 25-1393
25-1631

D.V.D.; M.M.; E.F.D.; O.C.G.,

Plaintiffs - Appellees,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, Secretary of Department of Homeland Security (DHS); PAMELA BONDI, United States Attorney General; ANTONE MONIZ, Superintendent of the Plymouth County Correctional Facility,

Defendants - Appellants.

Before

Montecalvo, Howard, and Aframe,
Circuit Judges.

ORDER OF COURT

Entered: October 20, 2025

The court having considered plaintiffs' motion for remand under Fed. R. App. P. 12.1(a) and the opposition thereto, the request for a remand is denied. The plaintiffs' motion to abate briefing pending this decision is denied as moot, save that the answering brief shall be due thirty days from the date of this order. We note as a general matter that "the district court is free to carry forward" while an appeal in an earlier phase of the case is pending and, if appropriate, "order permanent relief after the merits are resolved." Contour Design, Inc. v. Chance Mold Steel Co., 649 F.3d 31, 34 (1st Cir. 2011) (summarizing "standard practice").

So ordered.

By the Court:

Anastasia Dubrovsky, Clerk

cc:
Donald C. Lockhart
Brett Allen Shumate
Abraham R. George
Drew C. Ensign
Elianis N. Perez
Matthew Patrick Seamon
Mary Larakers
Mark Sauter
Trina A. Realmuto
Mary A. Kenney
Kristin Macleod-Ball
Aaron Korthuis
Glenda M. Aldana Madrid
Leila Kang
Matthew H. Adams
Matt A. Crapo
Daniel Cappelletti
Anwen Hughes