

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

PURPOSE BUILT FAMILIES FOUNDATION,
Claimant-Appellant

v.

**DENIS MCDONOUGH, Secretary of Veterans Af-
fairs,**
Respondent-Appellee

2023-2383

Appeal from the United States Court of Appeals for
Veterans Claims in No. 23-2114, Judge William S. Green-
berg, Judge Michael P. Allen, and Judge Scott Laurer.

ON MOTION

Before REYNA, TARANTO, and HUGHES, *Circuit Judges*.
REYNA, *Circuit Judge*.

O R D E R

Purpose Built Families Foundation, Inc. (“Purpose Built”) moves this court for a stay, pending appeal, of certain grant terminations. ECF No. 2. The court ordered a temporary stay pending resolution of the motion and

directed the Secretary of Veterans Affairs to respond. The Secretary responds to the court's order and opposes Purpose Built's motion. Purpose Built moves for leave to respond to the Secretary, ECF No. 7, and replies in support of its motion to stay.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to grant a stay pending appeal. *See* Fed. Cir. R. 1(a)(1)(D). Our determination is governed by four factors: (1) whether the movant has made a strong showing of a likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

Based on the papers submitted and without prejudicing the ultimate disposition of the appeal, Purpose Built has not established that a stay pending appeal is warranted.

Accordingly,

IT IS ORDERED THAT:


(1) ECF No. 7 is granted.

(2) Purpose Built's motion to stay, ECF No. 2, is denied.

(3) The court lifts the temporary relief provided in its September 15, 2023, order.

FOR THE COURT

September 27, 2023
Date


Jarrett B. Perlow
Clerk of Court