

[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. The government filed its first status report on August 30, 2021, and now files its second report.

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 the filing of the government's first status report on August 30, the Department has continued to engage in the

process of reviewing the time-in-service requirements that have been rescinded by the Department and that are at issue in this appeal. The Department has made significant progress on that review and has coordinated the proposed policy with the Army, the Navy, and the Air Force, among other relevant Department agencies and Under Secretaries.

Some additional steps remain to be completed before final policy guidance is promulgated. 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 December 28, 2021.

Respectfully submitted,

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