

[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 two status reports on August 30 and October 29, 2021, and now files its third 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 last status report, the Department has continued to carefully review the time-

in-service requirements that are at issue in this appeal. The Department has made significant progress on that review and has completed coordination of the proposed policy, including with the military departments and relevant Under Secretaries. Only a few additional steps remain to be completed before updated policy guidance is promulgated.

Therefore, the government respectfully requests that the appeal remain in abeyance. The government will file another status report no later than 60 days after the filing of this report, by February 28, 2022, or within 7 days of the promulgation of updated guidance, whichever is sooner.

Respectfully submitted,

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