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November 2, 2023

Office of the Clerk
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 E. Fifth Street
Cincinnati, Ohio 45202-3988

Re: Stay of the Mandate in *Block, et al. v. Canepa, et al.*, No. 22-3852

Dear Ms. Hunt:

Ohio Attorney General Dave Yost and Ohio Director of Public Safety Andy Wilson (collectively, “Ohio”) have reconsidered their decision to seek certiorari in this case. Although Ohio intended to file a petition for a writ of certiorari when it requested a stay of the mandate, it has now decided not to seek certiorari. In light of Ohio’s decision not to seek certiorari, it is no longer necessary to stay the mandate.

This is a “typical case,” in which Ohio secured a stay of the mandate “solely to allow” the Supreme Court “time to consider a petition for certiorari.” *Bell v. Thompson*, 545 U.S. 794, 806 (2005); *see* Order, Dkt. 55-1 (Sept. 27, 2023). In such cases, Rule 41(d)(2)(D) provides the default: “The court of appeals must issue the mandate immediately when a copy of a Supreme Court order denying the petition for writ of certiorari is filed.” But if the movant does not file a petition, the stay “must not exceed 90 days.” Fed. R. App. P. 41(d)(2)(B). Because Ohio will not file a petition for certiorari, the mandate may issue now.

Ohio appreciates the Panel’s previous attention to its request to stay the mandate, and has filed this letter promptly after changing course and deciding not to seek certiorari.

DAVE YOST
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/s/ Michael J. Hendershot

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CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2023, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by e-mail or facsimile upon all parties for whom counsel has not yet entered an appearance and upon all counsel who have not entered their appearance via the electronic system.

/s/ Michael J. Hendershot
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