

Statement of ALITO, J.

SUPREME COURT OF THE UNITED STATES

No. 22A557

IVAN ANTONYUK, ET AL. *v.* STEVEN NIGRELLI, IN HIS
OFFICIAL CAPACITY AS ACTING SUPERINTENDENT OF
NEW YORK STATE POLICE, ET AL.

ON APPLICATION TO VACATE STAY

[January 11, 2023]

The application to vacate stay presented to JUSTICE SOTOMAYOR and by her referred to the Court is denied.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS joins, respecting the denial of the application to vacate stay.

The New York law at issue in this application presents novel and serious questions under both the First and the Second Amendments. The District Court found, in a thorough opinion, that the applicants were likely to succeed on a number of their claims, and it issued a preliminary injunction as to twelve provisions of the challenged law. With one exception, the Second Circuit issued a stay of the injunction in full, and in doing so did not provide any explanation for its ruling. App. to Emergency Application 2. In parallel cases presenting related issues, the Second Circuit has likewise issued unreasoned summary stay orders, but in those cases it has ordered expedited briefing. See, *e.g.*, Order in *Hardaway v. Nigrelli*, No. 22–2933 (CA2, Dec. 7, 2022), ECF Doc. 53; Order in *Christian v. Nigrelli*, No. 22–2987 (CA2, Dec. 12, 2022), ECF Doc. 40.

I understand the Court’s denial today to reflect respect for the Second Circuit’s procedures in managing its own docket, rather than expressing any view on the merits of

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the case. Applicants should not be deterred by today's order from again seeking relief if the Second Circuit does not, within a reasonable time, provide an explanation for its stay order or expedite consideration of the appeal.