

United States Court of Appeals
for the Fifth Circuit

No. 23-60037

R.J. REYNOLDS VAPOR COMPANY; RJR VAPOR COMPANY,
L.L.C.; AVAIL VAPOR TEXAS, L.L.C.; MISSISSIPPI PETROLEUM
MARKETERS AND CONVENIENCE STORES ASSOCIATION,

Petitioners,

versus

FOOD & DRUG ADMINISTRATION; ROBERT CALIFF, *in his official
capacity as Commissioner of the United States Food & Drug Administration;*
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; XAVIER BECERRA, *in his official capacity as Secretary of the
United States Department of Health and Human Services,*

Respondents.

Petition for Review from an Order of the
Food & Drug Administration
Agency No. PM0000637
Agency No. PM0000713

UNPUBLISHED ORDER

Before KING, JONES, and SMITH, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Petitioners' opposed motion for a temporary administrative stay of FDA's marketing denial order, as it pertains to

menthol Vuse Vibe, is GRANTED as a temporary stay pending (a) the filing of a motion to stay by February 1, 2023 and (b) further order of the court.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

January 25, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-60037 R.J. Reynolds Vapor v. FDA
Agency No. PM0000637
Agency No. PM0000713

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Majella A. Sutton, Deputy Clerk
504-310-7680

Mr. Samuel R. Bagenstos
Mr. Noel John Francisco
Mr. Mark Raza
Ms. Wendy S. Vicente