

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 22-12696-DD

FULTON COUNTY SPECIAL PURPOSE GRAND JURY,

Plaintiff - Appellee,

versus

LINDSEY GRAHAM,
in his official capacity as United States Senator,

Defendant - Appellant.

On Appeal from the United States
District Court for the Northern District of Georgia

BEFORE: WILSON, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

The district court's August 15, 2022 order remanding the case to the Superior Court of Fulton County for further proceedings (Doc. 27) is TEMPORARILY STAYED pending resolution of the "Emergency Motion by Senator Lindsey O. Graham to Stay District Court's Order and Enjoin Select Grand Jury Proceedings Pending Appeal," which is HELD IN ABEYANCE pending a limited remand.

This case is REMANDED to the district court for the limited purpose of allowing the district court to determine whether Appellant is entitled to a partial quashal or modification of the subpoena to appear before the special purpose grand jury based on any protections afforded by the Speech or Debate Clause of the United States Constitution.

The parties shall brief the issue of whether Appellant is entitled to a partial quashal or modification of the subpoena in the district court. The district court shall expedite the parties' briefing in a manner that it deems appropriate.

Following resolution of the partial-quashal issue on limited remand, the matter will be returned to this Court for further consideration.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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August 21, 2022

Marshall T. Austin
Nelson Mullins Riley & Scarborough, LLP
151 MEETING ST
CHARLESTON, SC 29401

Clerk - Northern District of Georgia
Richard B. Russell Bldg & US Courthouse
2211 UNITED STATES COURTHOUSE
75 TED TURNER DR SW
STE 2211
ATLANTA, GA 30303-3309

E. Bart Daniel
Nelson Mullins Riley & Scarborough, LLP
151 MEETING ST
CHARLESTON, SC 29401

Brian Charles Lea
Jones Day
1221 PEACHTREE ST NE STE 400
ATLANTA, GA 30309

Robert Luther III
Jones Day
51 LOUISIANA AVE NW
WASHINGTON, DC 20001

Donald F. McGahn II
Jones Day
51 LOUISIANA AVE NW
WASHINGTON, DC 20001

Francis McDonald Wakeford IV
Fulton County District Attorney's Office
136 PRYOR ST FL 3
ATLANTA, GA 30303

Fani T. Willis
The Law Offices of Fani T. Willis, LLC
318 CHEROKEE AVE STE 106
ATLANTA, GA 30312

John Wooten
Fulton County District Attorney
136 PRYOR ST SW
ATLANTA, GA 30303

Appeal Number: 22-12696-DD
Case Style: Fulton County Special Purpose Grand Jury v. Lindsey Graham
District Court Docket No: 1:22-cv-03027-LMM

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The enclosed order has been ENTERED.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Bradly Wallace Holland, DD/jfc
Phone #: 404-335-6181

MOT-2 Notice of Court Action