

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.