

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-5309**

**September Term 2010**

**1:08-cv-01938-HHK**

**Filed On: December 29, 2010**

Greater New Orleans Fair Housing Action  
Center, et al.,

Appellees

v.

United States Department of Housing & Urban  
Development,

Appellee

Robin Keegan, in her official capacity as  
Executive Director of the Louisiana Recovery  
Authority,

Appellant

**BEFORE:** Ginsburg, Tatel, and Brown, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, or in the alternative, to hold the case in abeyance, the response thereto, and the reply, it is

**ORDERED** that, to the extent appellant Keegan seeks to appeal the district court's partial denial of her motion to dismiss on the basis of Eleventh Amendment immunity, consideration of the motion to dismiss be deferred in part pending further order of the court. It is

**FURTHER ORDERED** that, to the extent Keegan seeks review of the district court's denial of her motion to transfer or the determination that the plaintiffs have stated a claim for relief under the Fair Housing Act, the motion to dismiss be granted in part. These issues are not proper for the court's exercise of pendent appellate jurisdiction under the standards articulated in Kilburn v. Socialist People's Libyan Arab

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Jamahiriya, 376 F.3d 1123, 1134-35 (D.C. Cir. 2004), or in KiSKA Construction Corp. v. WMATA, 167 F.3d 608, 611 (D.C. Cir. 1999). It is

**FURTHER ORDERED** that the remainder of this appeal be held in abeyance pending further order of the court. The parties are directed to file motions to govern further proceedings in this case within 30 days of this court's disposition of No. 10-5257, et al., Greater New Orleans Fair Housing Action Center, et al., v. HUD, et al.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until resolution of the remainder of the appeal.

**Per Curiam**