٤. 1 -FILED UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS 1 - 1 2 28 PH 170 U.S. COURT ORGE MCMILLAN Plaintiff CIVIL ACTION NO. 72-2551-X WRHAN CARLSON, Director, Federal Bureau of Prisons, 3 Defendant MOUTTEN d' 39 MOTION FOR STAY PENDING APPEAL Now comes defendant Norman Carlson, Director, Federal Bureau 201 § of Prisons, by his attorney James N. Gabriel, United States La Attorney for the District of Massachusetts, and moves for stay ·S Y jof the Court's order in the above-entitled action dated ade December 31, 1973 pending appeal pursuant to Rule 62(c) and (e) ath Y Federal Rules of Civil Procedure. Cere Lung Defendant contends that the Court's ruling will result in y irreparable harm to the management of the Federal Prison System entrusted to the Bureau of Prisons. As pointed out in previous Aler priefs filed by defendant in this action, an open visiting policy +3 , with respect to authors threatens the prison discipline and the the 43 I security and order of the Federal Prisons System. See affidavits of Wardens S.J. Britton and George W. Pickett and Norman Carlson, S Director of the Bureau of Prisons attached as exhibits to Defendant's Motion To Dismiss Or, In The Alternative, For U Summary Judgment and supplement to motion. Under these foircumstances, a stay pending appeal is necessary to prevent injury to the public interest. Rule 62(c) and (e), Federal Rules of Civil Procedure. Yakus v. United States, 321 U.S. y 414, 440 (1944); Virginia Petroleum Jobbers Association v. 5-} Federal Power Commission, 259 F.2d 921, 925 (D.C. Cir. 1958). 65 2  $\stackrel{>}{\sim}$  In this connection, the Court of Appeals for the Ninth Circuit sustained the constitutionality of the same bureau policy involved in this suit. Seattle-Tacoma Newspaper Guild v. 33 0