

# United States Court of Appeals

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## No. 03-1032

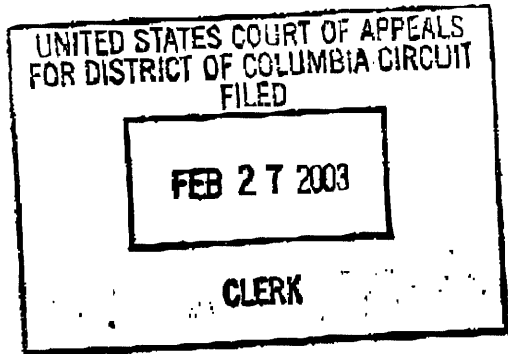
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Richard Blumenthal, Attorney General for the State of Connecticut,  
 Petitioner

v.

Federal Energy Regulatory Commission,  
 Respondent

Mirant Americas Energy Marketing, L.P., et al.,  
 Intervenor



**BEFORE:** Randolph, Tatel, and Garland, Circuit Judges

### ORDER

Upon consideration of the emergency motion for stay pending review, the responses thereto, and the reply, it is

**ORDERED** that the motion be denied. Application for stay of an agency order must ordinarily be made to the agency in the first instance, and petitioner has not shown that seeking a stay from the Federal Energy Regulatory Commission was not practicable. See Fed. R. App. P. 18. Petitioner may, however, renew his motion in the event the Commission denies a request for stay.

Per Curiam