

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**NAACP and NAACP MISSISSIPPI
STATE CONFERENCE**

Plaintiffs,

v.

X.AI CORP. and MZX TECH LLC

Defendants.

No. 3:26-cv-00074-DMB-JMV

**PLAINTIFFS' STATEMENT IN RESPONSE TO AND OPPOSITION OF
UNITED STATES' MOTION FOR ENTRY OF WRITTEN ORDER
NO LATER THAN SEPTEMBER 10**

Plaintiffs oppose the United States' purported request that, "[i]f the Court denies the United States' amended motion, this Court should stay further proceedings until the United States has exhausted review of that denial." (Dkt. No. 117). Because the United States did not seek Plaintiffs' position on this request prior to including it in its recent memorandum, Plaintiffs did not have the opportunity to oppose until now. *Contra* L. Uni. Civ. R. 7(b)(10) ("All non-dispositive motions must advise the court whether there is opposition to the motion."). This premature request is inadequately briefed and would unnecessarily delay a hearing on the preliminary injunction despite ongoing harm to frontline communities.

On September 1, the United States asked by email whether the parties would oppose or consent to a forthcoming “motion for entry of a written order no later than September 10 on our Amended Motion to Intervene and Dismiss.” (Sept. 1 Email Conference, Ex. A). Plaintiffs twice asked the United States to provide its reasons for such a motion, but received no meaningful reply. *Id.* Because the United States failed to provide a basis for its requested relief, Plaintiffs took no position on their motion. But, in those communications, the United States did not disclose it would request that the Court “stay further proceedings” in the event the Court denied their motion. Plaintiffs oppose this request.

Though the United States’ memorandum raises the possibility of a stay of district court proceedings, it does not cite to the applicable legal standard that guides such requests, *e.g.*, *Nken v. Holder*, 556 U.S. 416 (2009), nor does it provide any legal analysis to establish the need for one here. *Accord Sanders v. Unum Life Ins. Co. of America*, 553 F. 3d 922, 926 (5th Cir. 2008) (“Merely mentioning a claim does not constitute a supported argument or adequate briefing.”).

Should the United States appropriately move for a stay (say, upon evaluating the Court’s order once it is issued), Plaintiffs would respond to that request in due course. That response would address, among other things, the ongoing irreparable harm posed to Plaintiffs members by continued operation of unpermitted turbines at the Colossus Gas Plant, harms which have been fully briefed by the parties (*see* Dkt.

Nos. 51, 52, 93, 94, 96, and 97), but that the United States has not sought to address in any filing (or proposed filing).

Accordingly, Plaintiffs hereby clarify they **oppose** the unsupported request for a stay that is presented for the first time in the United States' memorandum.

Dated: September 3, 2026

Respectfully submitted,

/s/ Carroll Rhodes

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