

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
THE PEOPLE OF THE STATE OF NEW YORK, :  
:  
-against- :  
:  
DONALD TRUMP, :  
:  
Defendant. :  
:  
----- X

**ORDER AND OPINION**  
**DENYING MOTION FOR**  
**STAY**


23 Civ. 3773 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant Donald J. Trump moves for a stay of my order of September 3, 2024 denying leave to remove his New York State prosecution to this Court. *See* ECF No. 52. Under 28 U.S.C. § 1455, a state criminal defendant may file for removal of the state prosecution “not later than thirty days after arraignment in the State court, or at any time before trial, whichever is earlier[.]” 28 U.S.C. §1455(b)(1). Once that period has expired, a defendant may file a removal motion only if good cause is shown and if the district court, in its discretion, grants “the defendant or defendants leave to file the notice at a later time.” *Id.* On September 3, 2024, Mr. Trump moved for leave to file a Second Notice of Removal. Because Mr. Trump had not shown good cause, I denied that motion, and the case remains in the New York State Supreme Court. *See* ECF No. 43. Since I denied leave to file for removal, and thus there has been no removal petition properly filed, there is no action in my order of October 3, 2024 to stay. The motion is denied as academic. The Clerk of Court shall terminate ECF No. 52.

SO ORDERED.

Dated: September 6, 2024  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge