

The CTA Injunction is Back – BOI Filings Not Required (Again...and For Now)

December 27, 2024 Lauren White, Annie Lawson

PRACTICES Tax, Corporate

On Dec. 23, 2024, a motions panel for the Fifth Circuit Court of Appeals issued a per curiam opinion in *Texas Top Cop Shop v. Garland* granting the government's emergency motion for a stay pending appeal of the nationwide injunction that previously enjoined FinCEN's enforcement of the Corporate Transparency Act (the "**CTA**").

Just three days later, a different panel has now vacated that order. This means that the CTA is once again subject to a nationwide injunction and FinCEN is prohibited from enforcing the filing obligations thereunder. No beneficial ownership filings are required to be made at this time – though the BOI filing system will still accept filings for companies who wish to voluntarily comply.

The panel that has reinstated the injunction will handle the merits of the appeal. "In order to preserve the constitutional status quo while the merits panel considers the parties' weighty substantive arguments, that part of the motions-panel order granting the Government's motion to stay the district court's preliminary injunction" is vacated, the merits panel wrote in an order issued late Thursday Dec. 26, 2024.

On December 31, 2024, the Department of Justice filed a petition with the Supreme Court of the United States requesting a stay of the district court's injunction. If the Supreme Court grants the request, BOI filings will again be required.

For additional background on the CTA, please see our overview of the Corporate Transparency Act [here](#) or reach out to any of the individuals listed below.