

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 5 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ADREE EDMO, AKA Mason Edmo,

Plaintiff-Appellee,

v.

CORIZON, INC.; et al.,

Defendants-Appellants,

and

IDAHO DEPARTMENT OF
CORRECTIONS; et al.,

Defendants,

UNITED STATES OF AMERICA,

Real-party-in-interest.

No. 19-35017

D.C. No. 1:17-cv-00151-BLW
District of Idaho,
Boise

ORDER

ADREE EDMO, AKA Mason Edmo,

Plaintiff-Appellee,

v.

IDAHO DEPARTMENT OF
CORRECTIONS; et al.,

Defendants-Appellants,

and

No. 19-35019

D.C. No. 1:17-cv-00151-BLW

CORIZON, INC.; et al., Defendants, UNITED STATES OF AMERICA, Real-party-in-interest.

Defendants-Appellants' Joint Urgent Motion to Vacate District Court's Order (Dkt. 31) will be considered under Federal Rule of Appellate Procedure 27 and not Ninth Circuit Rule 27-3(b) (governing urgent motions). Defendants have not presented a persuasive argument that they or this court will suffer irreparable harm if the motion is not considered on an urgent basis. *See* Ninth Cir. R. 27-3(b). This court regularly considers mootness arguments after full briefing and oral argument. *See Rocky Mountain Famers Union v. Corey*, 913 F.3d 940, 949–51 (9th Cir. 2019) (considering mootness arguments after oral argument and vacating part of the district court's judgment). And it is appropriate to do so here as well.

Plaintiff-Appellee's response to the merits of Defendants-Appellants' motion is due on April 15, 2019. *See* Fed. R. App. P. 27(3). Any reply is due on April 22, 2019. *See id.* Both parties should be prepared to address the merits of Defendants-Appellants' motion at oral argument.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Fung
Deputy Clerk
Ninth Circuit Rule 27-7