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and Mark Brnovich in his official capacity*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

15 State of Arizona; State of Montana; and  
16 Mark Brnovich, in his official capacity as  
17 Attorney General of Arizona,

18 Plaintiffs,

19 v.

20 United States Department of Homeland  
21 Security; United States of America;  
22 Alejandro Mayorkas, in his official  
23 capacity as Secretary of Homeland  
24 Security; Troy Miller, in his official  
25 capacity as Acting Commissioner of  
26 United States Customs and Border  
27 Protection; Tae Johnson, in his official  
28 capacity as Acting Director of United  
States Immigration and Customs  
Enforcement; and Tracy Renaud, in her  
official capacity as Acting Director of U.S.  
Citizenship and Immigration Services,

Defendants.

No. 2:21-cv-00186-SRB

**PLAINTIFFS' NOTICE OF NINTH  
CIRCUIT ORDER AND REQUEST  
FOR EXPEDITED RULING ON  
PENDING MOTION FOR  
RECONSIDERATION**

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Plaintiffs, the States of Arizona and Montana and Attorney General Brnovich, hereby provide notice that the Ninth Circuit denied the States’ motion for an injunction pending appeal “without prejudice to renewal following the district court’s decision on the pending motion for reconsideration.” In addition, the Ninth Circuit stayed “briefing ... pending further order of the court.” A copy of the Ninth Circuit’s order is attached.

It appears that the Ninth Circuit has effectively stayed appellate proceedings pending this Court’s resolution of the States’ motion for reconsideration. Given the exigencies of this case and the States’ need to obtain a decision on their motion for an injunction pending appeal on the merits, the States respectfully request that this Court issue a decision on their motion for reconsideration by this Friday, August 13.

RESPECTFULLY SUBMITTED this 9th day of August, 2021.

**MARK BRNOVICH**  
**ATTORNEY GENERAL**

By */s/ Drew C. Ensign*  
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**AUSTIN KNUDSEN**  
**ATTORNEY GENERAL OF MONTANA**  
*/s/ David M.S. Dewhirst (with permission)*  
David M.S. Dewhirst\*  
*Solicitor General*  
*\*Pro hac vice granted*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of August, 2021, I caused the foregoing document to be electronically transmitted to the Clerk’s Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

s/ Drew C. Ensign  
Drew C. Ensign

*Attorney for Plaintiffs Arizona and Arizona  
Attorney General Mark Brnovich*