

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 3 2021

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

STATE OF ARIZONA; et al.,

Plaintiffs-Appellants,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants-Appellees.

No. 21-16118

D.C. No. 2:21-cv-00186-SRB  
District of Arizona,  
Phoenix

ORDER

Before: SCHROEDER, TASHIMA, and HURWITZ, Circuit Judges.

The motion for leave to file brief as amici curiae in opposition to appellants' motion for an injunction pending appeal (Docket Entry No. 17) is granted.

Appellants' motion for leave to file a combined reply in support of the emergency motion for injunction pending appeal (Docket Entry No. 16) is granted.

Appellants' renewed emergency motion for an injunction pending appeal (Docket Entry No. 23) is denied. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *see also Feldman v. Arizona Sec'y of State's Off.*, 843 F.3d 366, 367 (9th Cir. 2016) ("The standard for evaluating an injunction pending appeal is similar to that employed by district courts in deciding whether to grant a preliminary injunction.").

Appellants' motion to reinstate the briefing schedule (Docket Entry No. 34) is granted.

The Clerk will file the opening brief submitted at Docket Entry No. 32. The answering brief is due October 14, 2021. The optional reply brief is due within 21 days after service of the answering brief.