

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 1 2022

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

JONATHAN DUNN, Lieutenant Colonel,

Plaintiff-Appellant,

v.

LLOYD J. AUSTIN III, US Secretary of  
Defense; et al.,

Defendants-Appellees.

No. 22-15286

D.C. No. 2:22-cv-00288-JAM-KJN  
Eastern District of California,  
Sacramento

ORDER

Before: TASHIMA, FRIEDLAND, and BADE, Circuit Judges.

Order by Judges TASHIMA and FRIEDLAND; Dissent by Judge BADE.

Appellant's opposed emergency motion for an injunction pending appeal (Docket Entry No. 11) is denied. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Appellant's request to extend the grant of interim relief, set forth in the reply brief in support of the motion, is denied. The interim stay granted in the March 11, 2022 order is terminated.

The existing briefing schedule remains in effect.

BADE, Circuit Judge, dissenting:

I would grant the emergency motion for an injunction pending appeal and, in the absence of an injunction, I would extend interim relief to allow Appellant to seek emergency relief from the Supreme Court.