

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 5 2024

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

KIM RHODE, et al.;

Plaintiffs - Appellees,

v.

ROB BONTA, in his official capacity as
Attorney General of the State of California,

Defendant - Appellant.

No. 24-542

D.C. No.

3:18-cv-00802-BEN-JLB

Southern District of California,
San Diego

ORDER

Before: CLIFTON, CALLAHAN, and H.A. THOMAS, Circuit Judges.
Order by Judges CLIFTON and H.A. THOMAS; Dissent by Judge CALLAHAN.

The motion to stay the district court's January 30, 2024 permanent injunction and judgment (Docket Entry No. 4) is granted. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (defining standard for stay pending appeal).

The existing briefing schedule remains in effect.

CALLAHAN, Circuit Judge, dissenting:

I would deny the motion for a stay pending appeal. I do not believe appellant has met his burden of showing a likelihood of success on the merits or that irreparable injury will occur absent a stay.