

FILED

UNITED STATES COURT OF APPEALS

OCT 15 2014

FOR THE NINTH CIRCUIT

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

MATTHEW HAMBY; et al.,

Plaintiffs - Appellees,

v.

SEAN C. PARNELL, in his official
capacity as Governor of Alaska; et al.,

Defendants - Appellants.

No. 14-35856

D.C. No. 3:14-cv-00089-TMB
District of Alaska,
Anchorage

ORDER

Before: O'SCANNLAIN, BERZON, and BYBEE, Circuit Judges.

The court grants a temporary stay of the district court's October 12, 2014 order, until 12:00 p.m. (noon) PDT on Friday, October 17, 2014, to afford appellants an opportunity to seek a stay from the United States Supreme Court. Barring any such stay from the Supreme Court, this court's temporary stay dissolves at 12:00 p.m. PDT on October 17, 2014.

Appellants' corrected emergency motion for a stay of the district court's October 12, 2014 order pending appeal is otherwise denied. *See Nken v. Holder*, 556 U.S. 418, 426 (2009); *see also Latta v. Otter*, __ F.3d __, 2014 WL 4977682 at

*4, *11 (9th Cir. Oct. 7, 2014); *SmithKline Beecham Corp. v. Abbott Laboratories*, 740 F.3d 471, 484 (9th Cir. 2014).

The briefing schedule established previously remains in effect.

O'SCANNLAIN, Circuit Judge, concurring in part and dissenting in part:

While I concur in affording the state of Alaska the opportunity to seek a stay from the Supreme Court, I would grant the stay pending appeal in this court. *See Herbert v. Kitchen*, 134 S.Ct. 893 (2014).