

JUL 14 2009

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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

MIKESHA MARTINEZ, by and through
her husband and next friend Carlos
Martinez; et al.,

Plaintiffs - Appellees,

v.

ARNOLD SCHWARZENEGGER,
Governor of the State of California; et al.,

Defendants - Appellants,

and

FRESNO COUNTY; et al.,

Defendants.

No. 09-16359

D.C. No. 4:09-cv-02306-CW
Northern District of California,
Oakland

ORDER

Before: CANBY and THOMAS, Circuit Judges.

Appellants' emergency motion for a stay of the district court's June 26, 2009 preliminary injunction pending appeal is denied.

The court takes judicial notice of the district court's July 13, 2009 amended preliminary injunction. If appellants wish to challenge the amended preliminary

injunction, appellants must file a notice of appeal or an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4(a).

Appellants' motion to expedite this appeal is granted in part. The briefing schedule established on July 1, 2009 shall remain in effect. If appellants file the opening brief before July 27, 2009, the remainder of the briefing schedule will be reset according to Ninth Circuit Rule 3-3(b).

The Clerk shall calendar this case as soon as possible following the completion of briefing.