

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 07 2011

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JARED LEE LOUGHNER,

Defendant - Appellant.

No. 11-10504

D.C. No. 4:11-cr-00187-LAB-1

District of Arizona,

Tucson

ORDER

Before: WALLACE, BERZON, and BYBEE, Circuit Judges.

Defendant-Appellant Jared Lee Loughner moves on an emergency basis for a stay of his imminent transportation from pretrial custody in Tucson, Arizona, to the Federal Medical Center in Springfield, Missouri, pending appeal of the district court's ruling authorizing his recommitment under 18 U.S.C. § 4241(d)(2).

Loughner has been determined to require psychiatric treatment and will be involuntarily medicated for the immediate future whether or not he is transported to the Missouri facility. *See Vitek v. Jones*, 445 U.S. 480, 494 (1980). As he therefore has not demonstrated any irreparable harm that is probable if the stay is not granted, we deny the emergency motion. *See Leiva-Perez v. Holder*, 640 F.3d

962, 968 (9th Cir. 2011) (per curiam); *cf. Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-32 (9th Cir. 2011).

The panel will issue an expedited briefing order for this appeal.

STAY DENIED.