

FILED

UNITED STATES COURT OF APPEALS

OCT 24 2011

FOR THE NINTH CIRCUIT

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

JOHN DOE #1, an individual; et al.,

Plaintiffs - Appellants,

v.

SAM REED, in his official capacity as
Secretary of State of Washington and
BRENDA GALARZA, in her official
capacity as Public records Officer for the
Secretary of State of Washington,

Defendants - Appellees,

WASHINGTON COALITION FOR
OPEN GOVERNMENT and
WASHINGTON FAMILIES STANDING
TOGETHER,

Intervenor-Defendants -
Appellees.

No. 11-35854

D.C. No. 3:09-cv-05456-BHS
Western District of Washington,
Tacoma

ORDER

Before: PREGERSON, TASHIMA, and N.R. SMITH, Circuit Judges.

Appellants' motion for an injunction pending appeal is denied for failure to comply with Fed. R. App. P. 8(a). Although appellants moved for an injunction pending appeal in the district court, they neither sought expedited consideration of the same nor awaited the district court's consideration of the motion on the date

noted in their motion. This denial, however, is without prejudice to renewal, if necessary, following the district court's ruling on the motion for an injunction pending the appeal filed in the district court on October 17, 2011.

To permit the district court sufficient time to consider the motion, the court grants temporary injunctive relief. Appellees are temporarily enjoined from releasing any further Referendum 71 petitions. This temporary injunction shall remain in effect for 5 days following the district court's ruling.

The briefing schedule established previously shall remain in effect.