

FILED

UNITED STATES COURT OF APPEALS

FEB 05 2015

FOR THE NINTH CIRCUIT

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

INSTITUTE OF CETACEAN
RESEARCH, a Japanese research
foundation; et al.,

Plaintiffs - Appellants,

v.

SEA SHEPHERD CONSERVATION
SOCIETY, an Oregon nonprofit
corporation and PAUL WATSON, an
individual,

Defendants - Appellees.

No. 12-35266

D.C. No. 2:11-cv-02043-RAJ
Western District of Washington,
Seattle

ORDER

Before: KOZINSKI, TASHIMA, and M. SMITH, Circuit Judges.

Sea Shepherd Conservation Society (Defendant) filed a Motion to Stay the Mandate Pending the Filing of a Petition for Certiorari on February 3, 2015. Our contempt order, which addressed acts of contempt occurring before June 7, 2013, does not require the district court to take action. Therefore, no new mandate will be issued.

As we noted in our contempt order, “we issued our mandate on June 7, 2013, at which time the district court assumed supervision over the Defendants’ present compliance with the preliminary injunction.” Dkt. 360 at 49. The June 7, 2013,

mandate, Dkt. 161, is the only mandate in this case. To the extent the Defendant seeks a stay of this mandate, which was issued nearly 20 months ago, the motion is untimely and futile. The Defendant has offered no argument why the June 7, 2013, mandate should be recalled at this late date.

We also note that the issues the Defendant says it intends to raise in a petition for certiorari from our contempt order should have been raised in a petition for certiorari from our February 25, 2013, opinion, *amended* on May 24, 2013. The deadline to file a petition for a writ of certiorari to review that order passed long ago. *See* Sup. Ct. R. 13.1.

For the above reasons, the motion is denied.