

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAY 21 2015

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

MICHELLE-LAEL B. NORSWORTHY,

Plaintiff - Appellee,

v.

JEFFREY BEARD, CDCR Secretary; et
al.,

Defendants - Appellants.

No. 15-15712

D.C. No. 3:14-cv-00695-JST
Northern District of California,
San Francisco

ORDER

Before: GOODWIN, FARRIS, and FRIEDLAND, Circuit Judges (per curiam).

This is a preliminary injunction appeal.

Appellants' motion to stay the district court's April 2, 2015 order pending appeal is granted. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008). A stay is appropriate when an appeal presents "serious legal questions," even if it may be more likely than not that those legal questions will be resolved against the party seeking a stay. *Leiva-Perez v. Holder*, 640 F.3d 962, 967-68 (9th Cir. 2011) (per curiam). A stay "give[s] the reviewing court the time to 'act responsibly.'" *Id.* (quoting *Nken v. Holder*, 556 U.S. 418, 427 (2009)). Also weighing in favor of a stay here is the likelihood that, absent a stay, this litigation

would become moot before receiving full appellate consideration. *See John Doe Agency v. John Doe Corp.*, 488 U.S. 1306, 1309 (1989) (Marshall, J., in chambers) (noting that mootness “would also create an irreparable injury”).

The briefing schedule established previously remains in effect.

The Clerk shall calendar this case during the week of August 10 in San Francisco, California.