

FILED

UNITED STATES COURT OF APPEALS

JAN 11 2016

FOR THE NINTH CIRCUIT

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

A WOMAN'S FRIEND PREGNANCY
RESOURCE CLINIC, a California
Religious Nonprofit Corporation; et al.,

Plaintiffs - Appellants,

v.

KAMALA HARRIS, Attorney General,
State of California,

Defendant - Appellee.

No. 15-17517

D.C. No. 2:15-cv-02122-KJM-AC
Eastern District of California,
Sacramento

ORDER

Before: GOODWIN, TALLMAN, and NGUYEN, Circuit Judges.

This is an emergency motion for an injunction pending appeal of the district court's denial of a motion for a preliminary injunction.

Appellants' motion for an injunction pending appeal is denied. Appellants are not likely to succeed on their claim that the district court made clearly erroneous findings of fact or abused its discretion in holding that they do not meet the preliminary injunction standard with respect to their First Amendment claims.

See FTC v. Enforma Natural Products, 362 F.3d 1204, 1211-12 (9th Cir. 2004)

(district court's decision regarding preliminary injunction should be reversed only

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if it abused its discretion or based its decision on an erroneous legal standard or clearly erroneous findings of fact); *see also Planned Parenthood of Se.*

Pennsylvania v. Casey, 505 U.S. 833, 884 (1992); *Employment Div., Dep't of Human Res. of Oregon v. Smith*, 494 U.S. 872 (1990).

Appellee's motion for an extension of time to file an answering brief is denied. The briefing schedule established previously remains in effect.

Any request for an extension of time to file a brief is disfavored; any such relief must be requested under Ninth Circuit Rule 31-2.2(b).

Appellee's motion to consolidate this appeal with appeal No. 15-17497, *Livingwell Medical Clinic, Inc. v. Harris* is denied. However, the Clerk shall calendar this appeal together with preliminary injunction appeal No. 15-17497, *Livingwell Medical Clinic, Inc. v. Harris*, on the first available calendar upon completion of briefing.