

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 18 2018

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

RYAN KARNOSKI; et al.,

Plaintiffs-Appellees,

STATE OF WASHINGTON, Attorney
General's Office Civil Rights Unit,

Intervenor-Plaintiff-
Appellee,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States; et
al.,

Defendants-Appellants.

No. 18-35347

D.C. No. 2:17-cv-01297-MJP
Western District of Washington,
Seattle

ORDER

Before: TASHIMA, SILVERMAN, and GRABER, Circuit Judges.

On December 11, 2017, the district court granted appellees' motion for a preliminary injunction. On March 29, 2018, appellants moved to dissolve the preliminary injunction in light of the March 23, 2018 presidential memorandum and proposed Department of Defense policy. On April 13, 2018, the district court declined to dissolve the preliminary injunction and struck appellants' motion. On April 30, 2018, appellants' filed the instant appeal.

Before the court is appellants' motion for a stay of the December 11, 2017 preliminary injunction pending this appeal of the April 13, 2018 order striking

appellant's motion to dissolve the preliminary injunction. Appellant's motion in this court requests neither emergency nor expedited treatment.

A stay pending appeal "is an intrusion into the ordinary processes of administration and judicial review." *Nken v. Holder*, 556 U.S. 418, 427 (2009) (internal quotation marks and citation omitted).

The district court's December 11, 2017 preliminary injunction preserves the status quo, allowing transgender service members to serve in the military in their preferred gender and receive transition-related care. Appellants ask this court to stay the preliminary injunction, pending the outcome of this appeal, in order to implement a new policy. Accordingly, a stay of the preliminary injunction would upend, rather than preserve, the status quo.

Therefore, we deny the motion for a stay of the December 11, 2017 preliminary injunction (Docket Entry No. 3).

Briefing is complete.