

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2011

FOR THE NINTH CIRCUIT

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

KRISTIN M. PERRY; SANDRA B.  
STIER; PAUL T. KATAMI; JEFFREY J.  
ZARRILLO,

Plaintiffs - Appellees,

CITY AND COUNTY OF SAN  
FRANCISCO,

Intervenor-Plaintiff -  
Appellee,

v.

EDMUND G. BROWN, Jr., in his official  
capacity as Governor of California;  
KAMALA D. HARRIS, in her official  
capacity as Attorney General of California;  
MARK B. HORTON, in his official  
capacity as Director of the California  
Department of Public Health & State  
Registrar of Vital Statistics; LINETTE  
SCOTT, in her official capacity as Deputy  
Director of Health Information & Strategic  
Planning for the California Department of  
Public Health; PATRICK O'CONNELL,  
in his official capacity as Clerk-Recorder  
for the County of Alameda; DEAN C.  
LOGAN, in his official capacity as  
Registrar-Recorder/County Clerk for the  
County of Los Angeles,

Defendants,

No. 10-16696

D.C. No. 3:09-cv-02292-VRW  
Northern District of California,  
San Francisco

ORDER

and

DENNIS HOLLINGSWORTH; GAIL J. KNIGHT; MARTIN F. GUTIERREZ; HAK-SHING WILLIAM TAM; MARK A. JANSSON; PROTECTMARRIAGE.COM - YES ON 8, A PROJECT OF CALIFORNIA RENEWAL, as official proponents of Proposition 8,

Intervenor-Defendants -  
Appellants.

Before: REINHARDT, HAWKINS, and N.R. SMITH, Circuit Judges.

Having considered all of the factors set forth in *Nken v. Holder*, 129 S. Ct. 1749, 1756 (2009), and all of the facts and circumstances surrounding Plaintiffs' motion to vacate the stay pending appeal, as well as the standard for vacatur set forth in *Southeast Alaska Conservation Council v. U.S. Army Corps of Engineers*, 472 F.3d 1097, 1101 (9th Cir. 2006), we deny Plaintiffs' motion at this time.