

FILED

JUL 22 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAVALLI COUNTY REPUBLICAN
CENTRAL COMMITTEE; GALLATIN
COUNTY REPUBLICAN CENTRAL
COMMITTEE; SANDERS COUNTY
REPUBLICAN CENTRAL
COMMITTEE; DAWSON COUNTY
REPUBLICAN CENTRAL
COMMITTEE; STILLWATER COUNTY
REPUBLICAN CENTRAL
COMMITTEE; RICHLAND COUNTY
REPUBLICAN CENTRAL
COMMITTEE; CARBON COUNTY
REPUBLICAN CENTRAL
COMMITTEE; FLATHEAD COUNTY
REPUBLICAN CENTRAL
COMMITTEE; MADISON COUNTY
REPUBLICAN CENTRAL
COMMITTEE; BIG HORN COUNTY
REPUBLICAN CENTRAL
COMMITTEE; MONTANA
REPUBLICAN PARTY,

Plaintiffs-Appellants,

v.

LINDA McCULLOCH, in her official
capacity as Montana's Secretary of State;
REGINA PLETTENBERG, in her official

No. 15-35967

DC. No. 6:14 cv-0058 BMM
D Mont., Helena

ORDER

capacity as the Election Administrator of Ravalli County; CHARLOTTE MILLS, in her official capacity as the Election Administrator of Gallatin County; BOBBI CHRISTENSEN, in her official capacity as the Election Administrator of Sanders County; SHIRLEY KREIMAN, in her official capacity as the Election Administrator of Dawson County; PAULINE MISHLER, in her capacity as the Election Administrator of Stillwater County; STEPHANIE VERHASSELT, in her official capacity as the Election Administrator for Richland County; JUDY CHRISTENSEN, in her official capacity as the Election Administrator for Carbon County; PAULA ROBINSON, in her official capacity as the Election Administrator for Flathead County; PEGGY STEMLER, in her official capacity as the Election Administrator for Madison county; KIMBERLY YARLOTT, in her official capacity as the Election Administrator for Big Horn County,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submission Deferred May 4, 2016
Portland, Oregon
Submitted July 20, 2016*

Before: TASHIMA, TALLMAN, and HURWITZ, Circuit Judges.

This is an appeal from the denial of a preliminary injunction. Plaintiffs' motion sought the preliminary injunction to prohibit certain action by State officials with respect to the then-approaching June 2016 primary election. Because we cannot grant effective relief with respect to an election that has already taken place, this action is moot. *See Vegas Diamond Props. LLC v. FDIC*, 669 F.3d 933, 936, (9th Cir. 2012) ("This action is moot because the activities sought to be enjoined have already occurred and can no longer be prevented.").

Moreover, County Committee Plaintiffs-Appellants have voluntarily dismissed the underlying action with prejudice. The office of a preliminary injunction is, of course, to grant necessary injunctive relief *pendente lite* and its term of office expires once the litigation comes to an end. Here, the dismissal of the underlying action has obviated any need to consider preliminary injunctive relief. To the extent that appellants seek to raise other or broader issues, they have

* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2)(C).

now noticed another pending appeal from the order dismissing the action, in No. 16-35375, where, presumably, such questions can be litigated.

Appeal DISMISSED. No costs.