

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

HARVEST ROCK CHURCH, INC., itself
and on behalf of its member
churches in California; HARVEST
INTERNATIONAL MINISTRY, INC.,
itself and on behalf of its member
churches in California,

Plaintiffs-Appellants,

v.

GAVIN NEWSOM, in his official
capacity as Governor of the State of
California,

Defendant-Appellee.

No. 20-55907

D.C. No.
2:20-cv-06414-
JGB-KK

ORDER

On Remand from the Supreme Court of the United States

Filed December 3, 2020

Before: Diarmuid F. O'Scannlain, Johnnie B. Rawlinson,
and Morgan Christen, Circuit Judges.

Order

COUNSEL

Mathew D. Staver, Horatio G. Mihet, Roger K. Gannam, and Daniel J. Schmid, Liberty Counsel, Orlando, Florida; Nicolai Cocis, Law Office of Nicolai Cocis, Murrieta, California; for Plaintiffs-Appellants.

Xavier Becerra, Attorney General; Thomas S. Patterson, Senior Assistant Attorney General; Benjamin M. Glickman, Supervising Deputy Attorney General; Todd Grabarsky and Seth E. Goldstein, Deputy Attorneys General; Office of the Attorney General, Sacramento, California; for Defendant-Appellee.

ORDER

Pursuant to the Supreme Court's order in *Harvest Rock Church v. Newsom*, No. 20A94, 592 U.S. ____ (Dec. 3, 2020), we vacate our October 1, 2020, order denying Harvest Rock Church's motion for an injunction pending appeal; vacate the district court's September 2, 2020, order denying Harvest Rock Church's motion for a preliminary injunction; and remand to the district court for further consideration in light of *Roman Catholic Diocese of Brooklyn v. Cuomo*, No. 20A87, 592 U.S. ____ (Nov. 25, 2020).

Harvest Rock Church's petition for rehearing en banc is **DENIED** as moot. The motions to appear as amicus curiae, filed by Leading Epidemiologists and Public Health Experts (ECF No. 42) and by Americans United for Separation of Church and State, et al. (ECF No. 52), are **DENIED** as moot.

REMANDED.