

FOR PUBLICATION

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

SOUTH BAY UNITED PENTECOSTAL
CHURCH, a California nonprofit
corporation; BISHOP ARTHUR
HODGES III, an individual,
Plaintiffs-Appellants,

v.

GAVIN NEWSOM, in his official
capacity as the Governor of
California; XAVIER BECERRA, in his
official capacity as the Attorney
General of California; SONIA
ANGELL, in her official capacity as
California Public Health Officer;
WILMA J. WOOTEN, in her official
capacity as Public Health Officer,
County of San Diego; HELEN
ROBBINS-MEYER, in her official
capacity as Director of Emergency
Services; WILLIAM D. GORE, in his
official capacity as Sheriff of the
County of San Diego,
Defendants-Appellees.

No. 20-55533

D.C. No.

3:20-cv-00865-
BAS-AHG

ORDER

Appeal from the United States District Court
for the Southern District of California
Cynthia A. Bashant, District Judge, Presiding

Submitted December 8, 2020*
Pasadena, California

Filed December 8, 2020

Before: Kim McLane Wardlaw and Richard C. Clifton,
Circuit Judges, and Timothy Hillman,** District Judge.

Order

COUNSEL

Charles S. LiMandri, Paul M. Jonna, Jeffrey M. Trissell, and Milan L. Brandon, LiMandri & Jonna LLP, Rancho Santa Fe, California; Thomas Brejcha and Peter Breen, Thomas More Society, Chicago, Illinois; Harmett K. Dhillon and Mark P. Meuser, Dhillon Law Group Inc., San Francisco, California; for Plaintiffs-Appellants.

Thomas E. Montgomery, County Counsel; Timothy M. White and Jeffrey P. Michalowski, Senior Deputies; Office of County Counsel, San Diego, California; for County Defendants-Appellees.

Xavier Becerra, Attorney General; Thomas S. Patterson, Senior Assistant Attorney General; Paul Stein, Supervising Deputy Attorney General; Lisa J. Plank and Todd Grabarsky, Deputy Attorneys General; Office of the

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

** The Honorable Timothy Hillman, United States District Judge for the District of Massachusetts, sitting by designation.

Attorney General, Los Angeles, California; for State Defendants-Appellees.

Alex J. Luchenitser, Richard B. Katskee, and Alexander Gouzoules, Americans United for Separation of Church and State, Washington, D.C., for Amici Curiae Americans United for Separation of Church and State, Bend the Arc: A Jewish Partnership for Justice, Central Conference of American Rabbis, Disciples Justice Action Network, Interfaith Alliance Foundation, Men of Reform Judaism, Methodist Federation for Social Action, National Council of the Churches of Christ in the USA, Reconstructing Judaism, Reconstructionist Rabbinical Association, Southwest Conference of the United Church of Christ, Union for Reform Judaism, and Women of Reform Judaism.

ORDER

In light of the Supreme Court's orders in *Harvest Rock Church, Inc. v. Newsom*, No. 20A94, 592 U.S. ____ (Dec. 3, 2020) and *Roman Catholic Diocese of Brooklyn v. Cuomo*, No. 20A87, 592 U.S. ____ (Nov. 25, 2020), we **VACATE** the district court's October 15, 2020 order denying the motion for injunctive relief filed by South Bay United Pentecostal Church (South Bay), and **REMAND** to the district court for further consideration of this matter.

South Bay's emergency motion for an injunction pending appeal (ECF No. 96) is **DENIED** without prejudice. This panel will retain jurisdiction over any related future appeal.

IT IS SO ORDERED.