

FOR PUBLICATION

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

JOHN DOE #1; JUAN RAMON
MORALES; JANE DOE, # 2; IRIS
ANGELINA CASTRO; BLAKE DOE;
BRENDA VILLARRUEL; LATINO
NETWORK; JANE DOE, # 3; GABINO
SORIANO CASTELLANOS,
Plaintiffs-Appellees,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ALEJANDRO
MAYORKAS, Secretary, U.S.
Department of Homeland Security;
U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES; XAVIER BECERRA,
Secretary of Health and Human
Services; U.S. DEPARTMENT OF
STATE; ANTONY J. BLINKEN, Secretary
of State, in his official capacity;
UNITED STATES OF AMERICA,
Defendants-Appellants.

No. 19-36020

D.C. No.
3:19-cv-1743-SI

ORDER

Filed July 16, 2021

Before: A. Wallace Tashima, Jay S. Bybee, and
Daniel P. Collins, Circuit Judges.

Order

COUNSEL

Kevin M. Fee, Scott D. Stein, and Tacy Fletcher Flint, Sidley Austin LLP, Chicago, Illinois; Naomi A. Igra, Sidley Austin LLP, San Francisco, California; John L. Gibbons, Sidley Austin LLP, Washington, D.C.; Stephen W. Manning and Tess Hellgren, Innovation Law Lab, Portland, Oregon; Jesse Bless, American Immigration Lawyers Association, Washington, D.C.; Karen C. Tumlin and Esther H. Sung, Justice Action Center, Los Angeles, California; for Plaintiffs-Appellees.

Brian M. Boynton, Acting Assistant Attorney General; August E. Flentje, Special Counsel; William C. Peachey, Director; Brian C. Ward, Senior Litigation Counsel; Courtney E. Moran, Trial Attorney; Office of Immigration Litigation, United States Department of Justice, Washington, D.C.; for Defendants-Appellants.

ORDER

Plaintiffs-Appellees' Motion to Vacate Panel Opinion (Dkt. 96) is **GRANTED in part**. The panel opinion published at 984 F.3d 848 (9th Cir. 2020) is **VACATED**. The matter is **REMANDED** to the district court with instructions "to vacate as moot the [November 26, 2019] order granting a preliminary injunction." *See Mayorkas v. Innovation Law Lab*, 594 U.S. ___, 2021 WL 2520313, at *1 (June 21, 2021). The petition for rehearing en banc (Dkt. 80) is **DENIED** as moot.