FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL TPS ALLIANCE; MARIELA GONZALEZ; FREDDY ARAPE RIVAS; M.H.; CECILIA GONZALEZ HERRERA; ALBA PURICA HERNANDEZ; E. R.; HENDRINA VIVAS CASTILLO; VILES DORSAINVIL; A.C.A.; SHERIKA BLANC,

Plaintiffs - Appellees,

v.

MARKWAYNE MULLIN; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES OF AMERICA,

Defendants - Appellants.

No. 25-5724

D.C. No. 3:25-cv-01766-EMC
Northern District of California, San Francisco

ORDER

Filed October 30, 2026

Before: Kim McLane Wardlaw, Salvador Mendoza, Jr., and Anthony D. Johnstone, Circuit Judges

COUNSEL

Ahilan T. Arulanantham (argued), Center for Immigration Law and Policy, UCLA School of Law, Los Angeles, California; Diana Sanchez, Mohammad Tajsar, and Eva L. Bitran, American Civil Liberties Union Foundation of Southern California, Los Angeles, California; Michelle Y. Cho, Emilou MacLean, and Amanda Young, American Civil Liberties Union Foundation of Northern California, San Francisco, California; Jessica K. Bansal and Lauren M. Wilfong, National Day Laborer Organizing Network, Pasadena, California; Erik M. Crew, Haitian Bridge Alliance, San Diego, California; for Plaintiffs-Appellees.

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ORDER

On October 5, 2026, the Supreme Court granted certiorari, vacated our previous decision in *Nat'l TPS All. v. Noem*, 166 F.4th 739 (9th Cir. 2026), and remanded this case to us for further consideration in light of *Mullin v. Doe*, 609 U.S. 324 (2026). That same day, the Government filed a motion to stay the district court's preliminary injunction pending appeal. *See* Dkt. 89. The Government requested that we grant a stay that goes into effect immediately upon issuance of the Supreme Court's mandate on November 6, 2026, when the Supreme Court's present stay of the preliminary injunction expires. *Id.* We **DENY** the Government's motion.[1] The Court shall set an expedited briefing schedule on the merits by separate order.

[1] Within its motion, the Government also requested an administrative stay for at least 21 days in the event we denied the stay pending appeal. We also **DENY** this request.