FOR PUBLICATION

FILED

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

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

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

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.