



U.S. Department of Justice

Environment and Natural Resources Division

EAG
90-1-4-14528

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October 16, 2018

Ms. Molly C. Dwyer
Clerk, U.S. Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, California 94103

Re: No. 18-72776
United States v. United States District Court for the District of Oregon

Dear Ms. Dwyer:

Pursuant to FRAP 28(j), Petitioners (the government) respectfully advise the Court that the district court yesterday denied the government's Motion to Stay Discovery and Trial Pending Supreme Court Review (ECF No. 361, filed Oct. 5, 2018). The district court entered the following on the docket:

ORDER: Federal defendants Motion for Stay of Discovery and Trial [361] is DENIED. The Court has previously considered similar arguments to those raised in this motion. The Court finds that the government has not shown a likelihood success on the merits or irreparable injury that would justify a stay at this time. *Nken v. Holder* 556 U.S. 418, 433-34 (2009). Ordered on 10/15/2018 by Judge Ann L. Aiken. (rdr)

ECF No. 374 (filed Oct. 15, 2018) (copy attached).

As explained in the government's petition in this Court, a stay pending Supreme Court review is fully justified under the factors set forth in *Nken v. Holder*. Therefore, this Court should stay all proceedings in the district court to allow the Supreme Court to consider the government's forthcoming petition for a writ of mandamus.

Sincerely,

s/ Eric Grant
Eric Grant

Counsel for Petitioners

cc: All counsel via CM/ECF

Attachment

From: info@ord.uscourts.gov
To: nobody@ord.uscourts.gov
Subject: Activity in Case 6:15-cv-01517-AA Juliana, et al v United States of America, et al Order on motion for stay
Date: Monday, October 15, 2018 4:59:23 PM

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U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 10/15/2018 at 1:57 PM PDT and filed on 10/15/2018

Case Name: Juliana, et al v United States of America, et al

Case Number: [6:15-cv-01517-AA](#)

Filer:

Document Number: 374(No document attached)

Docket Text:

ORDER: Federal defendants Motion for Stay of Discovery and Trial [361] is DENIED. The Court has previously considered similar arguments to those raised in this motion. The Court finds that the government has not shown a likelihood success on the merits or irreparable injury that would justify a stay at this time. Nken v. Holder 556 U.S. 418, 433-34 (2009). Ordered on 10/15/2018 by Judge Ann L. Aiken. (rdr)

6:15-cv-01517-AA Notice has been electronically mailed to:

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6:15-cv-01517-AA Notice will not be electronically mailed to:

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I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format) s/ Eric Grant

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