UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 22 2024

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

SUSAN SOTO PALMER, et al.;
 	
        Plaintiffs - Appellees,
 	
  v.
 	
STEVEN HOBBS, in his official capacity as Secretary of State of Washington and STATE OF WASHINGTON, in his official capacity as Secretary of State of Washington,
 	
        Defendants - Appellees,
 	
JOSE A. TREVINO, et al.;
 	
        Intervenor-Defendants - Appellants.
	No. 24-1602
	
	D.C. No.
	3:22-cv-05035-RSL
	Western District of Washington, Tacoma
	
	ORDER

Before: IKUTA, FRIEDLAND, and MENDOZA, Circuit Judges.

The unopposed motions for leave to file an overlength brief (Docket Entry No. 5) and to file a consolidated reply (Docket Entry No. 14) in support of appellants' motion for a stay pending appeal are granted.

The motion to construe appellants' stay motion as a motion for reconsideration of this court's denial of appellants' motion for a stay pending appeal in No. 23-35595 (Docket Entry No. 9) is denied.

We deny appellants' motion to stay the district court's March 15, 2024, order pending this appeal (Docket Entry Nos. 4, 6, 7). Appellants have not carried their burden to demonstrate that they have the requisite standing to support jurisdiction at this stage of the proceedings. This denial is without prejudice to the parties renewing their respective arguments regarding appellants' standing, or to the parties making any other jurisdictional arguments, before the panel eventually assigned to decide the merits of this appeal. *See E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 662 (9th Cir. 2021) (observing that the motions panel's denial of a stay pending appeal did not preclude the merits panel from revisiting the question of standing); *see also Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (noting that a merits panel may consider appellate jurisdiction despite an earlier denial of a motion to dismiss).

The existing briefing schedule remains in effect.

24-1602