

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

SEP 16 2020

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

JENNY LISETTE FLORES,

Plaintiff-Appellee,

v.

WILLIAM P. BARR, Attorney General; et  
al.,

Defendants-Appellants.

No. 20-55951

D.C. No.

2:85-cv-04544-DMG-AGR

Central District of California,

Los Angeles

ORDER

Before: W. FLETCHER, BERZON, and M. SMITH, Circuit Judges.

Upon review of appellants' emergency motion to stay the district court's September 4, 2020 injunction order, and the opposition and reply thereto, we conclude that appellants have not established that it would have been impracticable to present the stay motion and appellants' newly introduced evidence to the district court in the first instance. *See* Fed. R. App. P. 8(a)(2)(A)(i). The district court is familiar with the detention conditions of immigrant children in facilities administered by the Departments of Homeland Security and Health and Human Services, including during the current pandemic, and is therefore in a position to evaluate the specific representations made by officials of those departments in declarations filed with this court but not in the district court concerning the likely practical effects and public health consequences of the injunction. We therefore

deny appellants' emergency motion for a stay of the district court's order (Docket Entry No. 2) without prejudice to its renewal following presentation to the district court. *See* Fed. R. App. P. 8(a).

We extend the temporary administrative stay of the district court's September 4, 2020 injunction order through September 23, 2020, to permit the district court to consider a request for a stay or for a modification of the injunction order pending this appeal.

Appellants' request to expedite the hearing of this preliminary injunction appeal is granted. The opening brief is due October 16, 2020. The answering brief is due November 6, 2020. The optional reply brief is due within 14 days after service of the answering brief.

The Clerk shall place this case on the first available calendar for this panel upon the completion of briefing.

No streamlined extensions of time will be approved. *See* Ninth Circuit Rule 31-2.2(a)(1). No written motions for extensions of time under Ninth Circuit Rule 31-2.2(b) will be granted absent extraordinary and compelling circumstances.