

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 23 2025

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

SUSAN WEBBER; et al.,

Plaintiffs - Appellants,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; et al.,

Defendants - Appellees.

No. 25-2717

D.C. No.

4:25-cv-00026-DLC

District of Montana,

Great Falls

ORDER

Before: W. FLETCHER, CALLAHAN, and KOH, Circuit Judges.

The motion (Docket Entry No. 7) to dismiss this appeal for lack of jurisdiction is denied without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

The motion (Docket Entry No. 4) for injunctive relief is referred to the panel assigned to the merits of this appeal.

Proceedings in this court other than mediation are stayed until the district court rules on the timely tolling motion filed on April 28, 2025. *See Fed. R. App. P. 4(a)(4); Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

The clerk will send a copy of this order to the district judge.