

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 16 2025

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

PEDRO VASQUEZ PERDOMO; et al.,

Plaintiffs - Appellees,

v.

KRISTI NOEM, Secretary, Department of
Homeland Security; et al.,

Defendants - Appellants.

No. 25-4312

D.C. No.

2:25-cv-05605-MEMF-SP

Central District of California,
Los Angeles

ORDER

Defendants filed two motions with this court requesting a stay pending appeal of the district court's temporary restraining order. Under Federal Rule of Appellate Procedure 8(a)(1)(C), a "party must ordinarily move first in the district court" for a stay pending appeal before filing with this court. When moving for a stay before this court, the motion must either (i) show that moving first in the district court would be impracticable, or (ii) state that, a motion having been made, the district court denied the motion or failed to afford the relief requested and state any reasons given by the district court for its action. Fed. R. App. P. 8(a)(2)(A).

Defendants' motions to this court indicate that the defendants requested a 7-day stay of any order issuing an injunction, and that the district court denied that request, but the referred-to request sought a stay only "to allow the Solicitor General to determine whether to appeal and seek a stay pending appeal."

Defendants did not file a motion for a stay pending appeal with the district court until after Defendants filed motions for a stay with this court. Further, in the stay motions pending before this court, Defendants did not show that moving first in the district court would have been impracticable. Consequently, the pending motions do not comply with Fed. R. App. P. 8(a)(2)(A)(i).

As noted, Defendants have now moved in the district court for a stay pending appeal, but the district court has not yet ruled. Neither the motions nor any supplement thereto contain the statements regarding the district court's actions required by Fed. R. App. P. 8(a)(2)(A)(ii).

For these reasons, we deny the motions for stay pending appeal (Dockets 5 and 6) for failure to comply with Rule 8, without prejudice should defendants file renewed compliant motions.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT