

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 18 2025

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

NATIONAL TPS ALLIANCE; et al.,

Plaintiffs - Appellees,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security; et al.,

Defendants - Appellants.

No. 25-2120

D.C. No.

3:25-cv-01766-EMC

Northern District of California,
San Francisco

ORDER

Before: TASHIMA, OWENS, and DESAI, Circuit Judges.

The emergency motion (Docket Entry No. 3) to stay the district court’s March 31, 2025 order is denied. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (defining standard for stay pending appeal). Appellants have not demonstrated that they will suffer irreparable harm absent a stay. *See Doe #1 v. Trump*, 957 F.3d 1050, 1059 (9th Cir. 2020) (“[I]f we were to adopt the government’s assertion that the irreparable harm standard is satisfied by the fact of executive action alone, no act of the executive branch asserted to be inconsistent with a legislative enactment could be the subject of a preliminary injunction. That cannot be so.”); *see also E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 778 (9th Cir. 2018).

The existing briefing schedule remains in effect. The clerk will place this case on the calendar for July 2025. *See* 9th Cir. Gen Ord. 3.3(g).