

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 8 2021

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

A. W. CLARK,

Plaintiff-Appellant,

v.

SHIRLEY WEBER, as California Secretary
of State,

Defendant-Appellee.

No. 21-55930

D.C. No. 2:21-cv-06558-MWF-KS
Central District of California,
Los Angeles

ORDER

Before: HAWKINS, WATFORD, and LEE, Circuit Judges.

The motion for leave to file an amicus curiae brief (Docket Entry No. 7-1) in opposition to appellant's emergency petition is granted. The Clerk will file the amicus curiae brief located at Docket Entry No. 7-2.

The emergency petition for writ of mandamus (Docket Entry No. 3) is denied. Appellant has not shown that the challenged order is clearly erroneous as a matter of law and thus fails to demonstrate that the extraordinary remedy of mandamus is warranted. *See Bauman v. U.S. Dist. Court*, 557 F.2d 650, 654-56 (9th Cir. 1977) (discussing guidelines for issuing mandamus relief).

To the extent appellant's August 29, 2021 filing seeks injunctive relief pending resolution of this appeal, the request is denied. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (stating standard). Appellant has not

shown that any of the *Winter* factors weighs in favor of granting injunctive relief pending the adjudication of the merits of this appeal.

The opening brief and excerpts of record have been filed. The answering brief is due September 27, 2021; appellant's optional reply brief is due within 21 days after service of the answering brief. *See* 9th Cir. R. 3-3.