

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 18 2024

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

MI FAMILIA VOTA; et al.,

Plaintiffs - Appellees,

v.

ADRIAN FONTES, in his official capacity
as Arizona Secretary of State; et al.,

Defendants - Appellees,

WARREN PETERSEN, President of the
Arizona Senate; et al.,

Intervenor-Defendants -
Appellants,

ARIZONA REPUBLICAN PARTY,

Intervenor - Pending.

No. 24-3188

D.C. No.

2:22-cv-00509-SRB

District of Arizona,
Phoenix

ORDER

MI FAMILIA VOTA; et al.,

Plaintiffs - Appellees,

v.

KRIS MAYES, Arizona Attorney
General and STATE OF ARIZONA,

Defendants - Appellants.

No. 24-3559

D.C. No.

2:22-cv-00509-SRB

District of Arizona,
Phoenix

ORDER

PROMISE ARIZONA and SOUTHWEST
VOTER REGISTRATION EDUCATION
PROJECT,

Plaintiffs - Appellants,

and

MI FAMILIA VOTA; et al.,

Plaintiffs,

v.

ADRIAN FONTES; et al.,

Defendants,

and

KRIS MAYES, Arizona Attorney
General and STATE OF ARIZONA,

Defendants - Appellees,

WARREN PETERSEN; et al.,

Intervenor-Defendants -
Appellees,

ARIZONA REPUBLICAN PARTY,

Intervenor - Pending.

No. 24-4029

D.C. No.

2:22-cv-00509-SRB

District of Arizona,

Phoenix

Before: BADE, LEE, and FORREST, Circuit Judges.

The motion to partially stay the district court's May 2, 2024 judgment (Docket Entry No. 50 in No. 24-3188) is granted in part and denied in part. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (defining standard for stay pending appeal).

We conclude that appellants in No. 24-3188 have satisfied the standard for a stay pending appeal with respect to the portion of the injunction barring enforcement of A.R.S. § 16-121.01(C). We conclude that appellants have failed to satisfy the standard for a stay pending appeal in all other respects. The district court's May 2, 2024 judgment is therefore stayed to the extent that it bars enforcement of A.R.S. § 16-121.01(C). This order is subject to reconsideration by the panel assigned to decide the merits of this appeal.

We consolidate and expedite these cross-appeals.

The first briefs on cross-appeal for all defendants are due July 25, 2024. The consolidated second briefs on cross-appeal for plaintiffs are due August 5, 2024. The third briefs on cross-appeal for all defendants are due August 15, 2024. The optional consolidated cross-appeal reply briefs for plaintiffs are due within 7 days after service of the third briefs on cross-appeal.

Arizona Republican Party's motion to intervene (Docket Entry No. 63 in No. 24-3188) is referred to the panel assigned to decide the merits of these cross-appeals.

The Clerk will place this appeal on the calendar for September 2024. *See* 9th Cir. Gen. Ord. 3.3(g).