

FILED

FEB 17 2021

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

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WENDY GISH; PATRICK SCALES;
JAMES DEAN MOFFATT; BRENDA
WOOD,

Plaintiffs-Appellants,

v.

GAVIN NEWSOM, in his official capacity
as the Governor of California; XAVIER
BECERRA, in his official capacity as the
Attorney General of California; ERIN
GUSTAFSON, in her official capacity as
the San Bernardino County Acting Public
Health Officer; JOHN MCMAHON, in his
official capacity as the San Bernardino
County Sheriff; ROBERT
LOVINGGOOD, in his official capacity as
a San Bernardino County Supervisor;
JANICE RUTHERFORD, in her official
capacity as a San Bernardino County
Supervisor; DAWN ROWE, in her official
capacity as a San Bernardino County
Supervisor; CURT HAGMAN, in his
official capacity as a San Bernardino
County Supervisor; JOSIE GONZALES,
in his official capacity as a San Bernardino
County Supervisor; CAMERON KAISER,
in his official capacity as the Riverside
County Public Health Officer; GEORGE
JOHNSON, in his official capacity as the
Riverside County Executive Officer and
Director of Emergency Services; CHAD

Nos. 20-55445
20-56324

D.C. No. 5:20-cv-00755-JGB-KK
Central District of California,
Riverside

ORDER

BIANCO, in his official capacity as a Riverside County Sheriff; KEVIN JEFFRIES, in his official capacity as a Riverside County Supervisor; KAREN SPIEGEL, in her official capacity as a Riverside County Supervisor; CHUCK WASHINGTON, in his official capacity as a Riverside County Supervisor; V. MANUEL PEREZ, in his official capacity as a Riverside County Supervisor; JEFF HEWITT, in his official capacity as a Riverside County Supervisor; COUNTY OF SAN BERNARDINO,

Defendants-Appellees.

Before: WARDLAW and CLIFTON, Circuit Judges, and HILLMAN,* District Judge.

Pursuant to the order of the United States Supreme Court dated February 8, 2021, the case is remanded to the district court for further proceedings consistent with *South Bay United Pentecostal Church v. Newsom*, 592 U.S. ____ (2021).

The motion to voluntarily dismiss the appeal in Case No. 20-55445 pursuant to Federal Rule of Appellate Procedure 42(b) is granted. The four motions to take judicial notice in Case No. 20-55445 and the two motions to take judicial notice in Case No. 20-56324 are dismissed as moot.

IT IS SO ORDERED.

* The Honorable Timothy Hillman, United States District Judge for the District of Massachusetts, sitting by designation.