

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 20 2009

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

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

and

OUR FAMILY COALITION; et al.,

Plaintiffs-intervenors - Appellees,

v.

ARNOLD SCHWARZENEGGER, in his
official capacity as Governor of California;
et al.,

Defendants,

and

PROPOSITION 8 OFFICIAL
PROPONENTS; et al.,

Defendants-intervenors - Appellants.

No. 09-17241

D.C. No. 3:09-cv-02292-VRW
Northern District of California,
San Francisco

ORDER

A review of the record suggests that this court may lack jurisdiction over this interlocutory appeal because this court generally lacks jurisdiction to review discovery orders. *See* 28 U.S.C. § 1291; *Truckstop.net, LLC v. Sprint Corp.*,

cj/MOATT

547 F.3d 1065, 1067 (9th Cir. 2008); *KL Group v. Case, Kay & Lynch*, 829 F.2d 909, 918, n. 5 (9th Cir. 1987). Within 21 days after the date of this order, appellants shall move for voluntary dismissal of this appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellants elect to show cause, a response may be filed within 8 days after service of the memorandum.

If appellants do not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Caroline A. Jacobs
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A