

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2019

FOR THE NINTH CIRCUIT

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

KRISTIN M. PERRY; et al.,

No. 18-15292

Plaintiffs-Appellees,

D.C. No. 3:09-cv-02292-WHO

CITY AND COUNTY OF SAN
FRANCISCO,

MEMORANDUM*

Intervenor-Plaintiff-
Appellee,

KQED, INC.,

Intervenor-Appellee,

v.

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

Defendants,

and

DENNIS HOLLINGSWORTH; et al.,

Intervenor-Defendants-
Appellants.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court
for the Northern District of California
William Horsley Orrick, District Judge, Presiding

Submitted April 17, 2019**
San Francisco, California

Before: FERNANDEZ, BEA, and N.R. SMITH, Circuit Judges.

In light of the district court’s briefing and hearing schedule for a future motion to continue to seal the recording at issue, we presently lack jurisdiction over Proponents’ appeal. The district court’s order compelling “the recordings be kept under seal . . . until August 12, 2020” is not a “final decision[.]” of the district court. *See* 28 U.S.C. § 1291. Nor is it a reviewable collateral order, for the order is not “effectively unreviewable on appeal from a final judgment.” *U.S. v. Hickey*, 185 F.3d 1064, 1066 (9th Cir. 1999). Accordingly, this appeal is dismissed without prejudice for lack of jurisdiction.

DISMISSED WITHOUT PREJUDICE.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).