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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN DEFENSE OF ANIMALS;
DREAMCATCHER WILD HORSE AND
BURRO SANCTUARY; BARBARA CLARKE;
CHAD HANSON; LINDA HAY,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR; BUREAU OF LAND
MANAGEMENT; KEN SALAZAR,
Secretary of the United States
Department of the Interior;
ROBERT ABBEY, Director of the
Bureau of Land Management;
KEN COLLUM, Field Manager of
Eagle Lake Field Office,

Defendants.

No. 2:10-cv-01852-MCE-DAD

ORDER

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By Memorandum and Order filed August 9, 2010 (ECF No. 53),
this Court denied Plaintiff's Motion for Preliminary Injunction
(ECF No. 10). Thereafter, on August 11, 2010, Plaintiffs filed
an interlocutory appeal of that decision to the Ninth Circuit
(ECF No. 55).

1 Defendants have since filed a Motion to Dismiss for Lack of
2 Jurisdiction (ECF No. 68); the hearing has been continued from
3 January 13, 2011 to March 24, 2011. Presently before the Court is
4 Plaintiff's Request to Stay Proceedings on said Motion to Dismiss
5 pending the outcome of their appeal to the Ninth Circuit on the
6 preliminary injunction issue. Plaintiffs argue that a ruling by
7 the Ninth Circuit may, at the least, provide guidance as to how
8 this Court should rule on the merits of Defendants' motion, and at
9 the most, control its outcome. In support of their request to
10 stay proceedings, Plaintiffs maintain resources could potentially
11 be squandered if they are required to prepare a sur-reply, or a
12 motion to amend the judgment if the case is indeed dismissed,
13 depending on the outcome of the appeal. Having considered both
14 the Plaintiffs' request, and the Defendants' opposition, this
15 Court finds that Plaintiffs have not made the required showing
16 that a stay is warranted. The mere prospect of filing additional
17 briefing should the Ninth Circuit issue a contrary and binding
18 decision is insufficient to further delay the hearing on
19 Defendants' Motion to Dismiss for an indefinite period.

20 The Court consequently DENIES Plaintiffs' Request to Stay
21 Proceedings (ECF No. 77). The hearing on Defendants' Motion to
22 Dismiss (ECF No. 68) remains set for hearing on March 24, 2011 as
23 currently calendared.

24 IT IS SO ORDERED.

25 Dated: March 3, 2011

26 

27 MORRISON C. ENGLAND, JR.
28 UNITED STATES DISTRICT JUDGE