

**FILED**

UNITED STATES COURT OF APPEALS

FEB 27 2009

FOR THE NINTH CIRCUIT

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

<p>AL-HARAMAIN ISLAMIC FOUNDATION, INC., an Oregon Nonprofit Corporation; et al.,</p> <p style="text-align: center;">Plaintiffs - Appellees,</p> <p style="text-align: center;">v.</p> <p>BARACK H. OBAMA, President of the United States; et al.,</p> <p style="text-align: center;">Defendants - Appellants.</p>
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No. 09-15266

D.C. No. 3:07-cv-00109-VRW  
Northern District of California,  
San Francisco

ORDER

Before: PREGERSON, HAWKINS and McKEOWN, Circuit Judges.

We agree with the district court that the January 5, 2009 order is not appropriate for interlocutory appeal. The government's appeal is DISMISSED for lack of jurisdiction. The government's motion for a stay is DENIED as moot.