

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 3 2017

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

STATE OF HAWAII; ISMAIL ELSHIKH,

Plaintiffs-Appellees,
U.S. COMMITTEE FOR REFUGEES AND
IMMIGRANTS,
Intervenor-Pending,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; U.S. DEPARTMENT OF STATE; REX W. TILLERSON, in his official capacity as Secretary of State; UNITED STATES OF AMERICA,

Defendants-Appellants.

No. 17-16426

D.C. No.
1:17-cv-00050-DKW-KSC
District of Hawaii,
Honolulu

ORDER

Before: HAWKINS, GOULD, and PAEZ, Circuit Judges.

The Emergency Motion to Intervene (Dkt. #10) is DENIED. *See Bates v. Jones*, 127 F.3d 870, 873 (9th Cir. 1997) (“Intervention at the appellate stage is . . . unusual and should ordinarily be allowed only for imperative reasons.” (internal quotation marks omitted)); Fed. R. Civ. P. 24(a)(2) (requiring the court to permit intervention unless “existing parties adequately represent [proposed-

intervenors’] interest’). The United States Committee for Refugees and Immigrants may file a brief as *amicus curiae* no later than Wednesday, August 9, 2017. If Appellants wish to respond to any argument raised in that brief, they may do so no later than 12:00 p.m. PST on Friday, August 11, 2017.