

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

OCT 7 2020

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

MI FAMILIA VOTA; et al.,

No. 20-16932

Plaintiffs-Appellees,

D.C. No. 2:20-cv-01903-SPL
District of Arizona, Phoenix

v.

ORDER

KATIE HOBBS, in her official capacity as
Arizona Secretary of State,

Defendant-Appellee,

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE,

Intervenor-Defendants-
Appellants,

STATE OF ARIZONA,

Intervenor-Pending.

Before: W. FLETCHER, BERZON, and BYBEE, Circuit Judges.

The court has received the emergency motion to intervene in this appeal by the State of Arizona. Any response to the motion to intervene is due October 8, 2020. The optional reply in support of the motion to intervene is due October 9, 2020.

Appellants' emergency motion for an administrative stay of the district court's October 5, 2020 order (Docket Entry No. 3) is denied.¹ The panel has serious doubts regarding appellants' ability as private parties to seek a stay in this appeal, including an administrative stay. *See Hollingsworth v. Perry*, 570 U.S. 693, 715 (2013) ("We have never before upheld the standing of a private party to defend the constitutionality of a state statute when state officials have chosen not to."). The panel will reconsider the request for an administrative stay upon determination of the State's pending motion to intervene.

Appellants and prospective intervenor-appellant shall file any substantive motion for a stay pending appeal by 5:00 p.m. Pacific Time on October 8, 2020. For purposes of this scheduling order only, we assume without deciding that we will grant the State's pending motion to intervene. Plaintiffs-appellees may file their response(s) to the stay motion(s) by 5:00 p.m. Pacific Time on October 9, 2020. Any reply by appellants and/or prospective intervenor-appellant is due by 5:00 p.m. Pacific Time on Saturday, October 10, 2020. Any amicus filings with respect to the stay motion(s) are due by 5:00 p.m. Pacific Time on October 9, 2020.

¹ Judge Bybee would vote to grant the motion for an administrative stay.