

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 25 2023

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

FRIENDS OF THE INYO; et al.,

Plaintiffs-Appellants,

v.

UNITED STATES FOREST SERVICE;
LEEANN MURPHY,

Defendants-Appellees,

KORE MINING, LTD.,

Intervenor-Defendant-
Appellee.

No. 23-15492

D.C. No.

2:21-cv-01955-KJM-KJN

Eastern District of California,
Sacramento

ORDER

Before: BUMATAY, KOH, and DESAI, Circuit Judges.

On April 7, 2023, Appellants filed an Unopposed Motion to Expedite Briefing and Hearing and sought a ruling from the court before September 1, 2023. [Dkt. 2] The court granted the request to expedite the appeal. [Dkt. 7] Oral argument was held on August 24, 2023 at which time Plaintiffs renewed their request for a ruling before September 1, 2023. In light of the fact that the court previously granted the unopposed motion to expedite to ensure a ruling before September 1, 2023, and the fact that the failure to act may deprive the prevailing party of the requested relief, this case presents a unique circumstance where an immediate ruling is warranted.

We reverse the district court's order denying Plaintiffs' motion for summary

judgment and granting Defendants' and Defendant-Intervenors' motions for summary judgment. Judge Bumatay dissents from this Order. An opinion will follow in due course. This court retains jurisdiction and no mandate shall issue.

SO ORDERED.