

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

INDEX NEWSPAPERS LLC, *et al.*,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,

Defendants-Appellants.

No. 20-35739

**CONSENT MOTION TO HOLD APPEAL IN ABEYANCE**

This appeal involves a preliminary injunction that requires federal law-enforcement officers in Portland to exempt journalists and legal observers from obeying otherwise lawful orders to disperse. This Court has scheduled the case for oral argument on March 3, 2021. Due to the recent change in administration, there is new leadership at the U.S. Department of Homeland Security and the U.S. Marshals Service. To allow new agency officials sufficient time to become familiar with the issues in this case and determine how they wish to proceed, the government respectfully moves to remove this case from the argument calendar and to place this appeal in abeyance, with status reports due at 60-day intervals. Plaintiffs have authorized us to state that they consent to this motion.

## CONCLUSION

For these reasons, the government respectfully requests that this Court remove the case from the argument calendar and place this appeal in abeyance.

Respectfully submitted,

MARK B. STERN

/s/ Michael Shih

MICHAEL SHIH

*Attorneys, Appellate Staff  
Civil Division, Room 7268  
U.S. Department of Justice  
950 Pennsylvania Avenue N.W.  
Washington, D.C. 20530  
(202) 353-6880  
michael.shih@usdoj.gov*

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**CERTIFICATE OF SERVICE**

I hereby certify that, on February 11, 2021, I electronically filed the foregoing motion with the Clerk of this Court by using the appellate CM/ECF system. The participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Michael Shih  
MICHAEL SHIH

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing motion complies with the requirements of Fed. R. App. P. 27(d) because it has been prepared in 14-point Garamond, a proportionally spaced font. I further certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 147 words according to the count of Microsoft Word.

/s/ Michael Shih  
MICHAEL SHIH