

FILED

UNITED STATES COURT OF APPEALS

JUL 15 2011

FOR THE NINTH CIRCUIT

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

THE CLOUD FOUNDATION, INC.; et
al.,

Plaintiffs - Appellants,

v.

KEN SALAZAR, Secretary of the Interior;
et al.,

Defendants - Appellees.

No. 11-16706

D.C. No. 3:11-cv-00459-HDM
District of Nevada,
Reno

ORDER

Before: PAEZ, Circuit Judge.

This is a preliminary injunction appeal. Appellants have filed an emergency motion for injunctive relief pending appeal, to halt appellees' round-up of wild horses in the Triple B, Antelope Valley, and Maverick-Medicine Herd Management Areas ("HMAs"), and the Cherry Springs Wild Horse Territory (collectively the "Triple B Complex" or "HMAs") set to begin on July 16, 2011.

To allow for further consideration on the merits of the emergency motion, the court grants temporary injunctive relief. Appellees are enjoined from the round-up of wild horses in the HMAs and Triple B Complex areas until further order of the court.

AW/MOATT

Because this is a preliminary injunction appeal, Ninth Circuit Rule 3-3 shall apply. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal.

The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than August 12, 2011; the answering brief is due September 9, 2011 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.