



VIA CM/ECF FILING

Molly C. Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

December 21, 2017

Re: *Karnoski v. Trump*, Case No. 17-36009
*Notice of Supplemental Authority Pursuant to Fed. R. App. P. 28(j) and
Circuit Rule 28-6*

Dear Ms. Dwyer:

Plaintiffs-Appellees provide notice of pertinent supplemental authority. On December 21, 2017, the United States Court of Appeals for the Fourth Circuit issued an order denying the government's emergency motion for administrative stay and partial stay pending appeal in *Stone v. Trump*, No. 17-2398, Dkt. 31 (4th Cir. 2017), which is attached. The government had similarly sought a stay in that litigation of a preliminary injunction regarding the accession of transgender people into the military.

Respectfully submitted,

/s/ Natalie Nardecchia

Natalie Nardecchia
Counsel for Plaintiffs-Appellees

FILED: December 21, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2398
(1:17-cv-02459-MJG)

BROCK STONE, Petty Officer First Class; KATE COLE, Staff Sergeant; JOHN DOE, Senior Airman; SEVEN ERO GEORGE, Airman First Class; TEAGAN GILBERT, Petty Officer First Class; TOMMIE PARKER, Technical Sergeant; AMERICAN CIVIL LIBERTIES UNION OF MARYLAND, INCORPORATED

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; JAMES N. MATTIS, in his official capacity as Secretary of Defense, U.S. Department of Defense; RYAN D. MCCARTHY, in his official capacity as Acting Secretary of the U.S. Department of the Army; RICHARD SPENCER, in his official capacity as Secretary of the U.S. Department of the Navy; HEATHER WILSON, in her official capacity as Secretary of the U.S. Department of the Air Force

Defendants - Appellants

RETIRED MILITARY OFFICERS AND FORMER NATIONAL SECURITY OFFICIALS

Amicus Supporting Appellees

ORDER

Upon consideration of appellants' emergency motion for administrative stay and partial stay pending appeal, appellees' response to the motion, appellants' reply, the parties' supplemental authorities, and the amicus brief in support of appellees, the court denies the motion for administrative stay and partial stay pending appeal.

Entered at the direction of the panel: Judge Motz, Judge Diaz, and Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk

