

No. 18-35347
Argued October 10, 2018

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

RYAN KARNOSKI, et al.,
Plaintiffs-Appellees,
STATE OF WASHINGTON,
Plaintiff-Intervenor-Appellee,

v.

DONALD TRUMP, President of the United States, et al.,
Defendants-Appellants.

On Appeal from the United States District Court for the
Western District of Washington

**NOTICE OF WITHDRAWAL OF PLAINTIFFS-APPELLEES AND
WASHINGTON'S OPPOSITION TO VACATUR AND REMAND**

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**NOTICE OF WITHDRAWAL OF PLAINTIFFS-APPELLEES AND
WASHINGTON’S OPPOSITION TO VACATUR AND REMAND**

Plaintiffs-Appellees and Plaintiff-Intervenor Washington State (collectively, “Plaintiffs”) respectfully submit this notice to inform the Court that, in light of significant changed circumstances, they no longer oppose the remedy of vacatur of the preliminary injunction and remand sought by Defendants-Appellants (“Defendants”) in this appeal.

On January 22, 2019, the United States Supreme Court entered an order granting Defendants’ motion to stay the preliminary injunction. Dkt. 142. In light of the Supreme Court’s order, which among other things, stays the preliminary injunction even if this Court were to affirm the district court’s order declining to dissolve the preliminary injunction, Plaintiffs no longer oppose the remedy of vacatur sought by Defendants.

In light of the stay, Plaintiffs see no point in requiring this Court or the parties to spend further resources on Plaintiffs’ efforts to preliminarily enjoin the policy issued on March 23, 2018, which Plaintiffs have referred to as “the Ban,” and Defendants have referred to as the “Mattis policy.”¹ Plaintiffs respectfully submit that judicial and party resources are better spent completing discovery and

¹ This notice does not dispose of Defendants’ separately pending Petition For a Writ of Mandamus to the United States District Court for the Western District of Washington (No. 18-72159), which was argued October 10, 2018, and remains pending.

litigating the merits. Accordingly, because Plaintiffs no longer oppose the relief sought by Defendants, Plaintiffs respectfully submit that the Court should enter a summary order vacating the preliminary injunction and remanding to the district court for further proceedings, with each side to bear its own fees and costs on appeal.

Dated: January 30, 2019

Respectfully submitted,

**LAMBDA LEGAL DEFENSE
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CIRCUIT RULE 25-5(e) ATTESTATION

In accordance with Ninth Circuit Rule 25-5(e), I hereby attest that all other parties on whose behalf this joint filing is submitted concur in the filing's content.

Dated: January 30, 2019

s/ Tara Borelli
Tara Borelli

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on January 30, 2019. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Tara L. Borelli
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