

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEBORAH RUBIN, an individual, and
THE HORSE PEOPLE, a California not-
for-profit corporation,

Plaintiffs,

v.

KEN SALAZAR, in his capacity as
Secretary of the Department of the Interior,
and ROBERT ABBEY, in his capacity as
the Director of the Bureau of Land
Management,

Defendants.

Civil Action No. 09-1968 (SKM)

BRIEFING ORDER

Plaintiffs moved for a preliminary injunction to prevent the Bureau of Land Management (“BLM”) from carrying out a wild horse removal under a “Gather Plan.” Plaintiffs contended that the Gather Plan violates the Wild Free-Roaming Horses and Burros Act and the National Environmental Policy Act. The District Court denied Plaintiffs’ motion on multiple grounds. Plaintiffs have now appealed all aspects of the District Court’s ruling.

Each party is directed to brief the following questions:

1. Did the District Court err when it ruled that Plaintiffs failed to demonstrate a likelihood of success on the merits of their claim under the Wild Free-Roaming Horses and Burros Act?
2. Did the District Court err when it ruled that Plaintiffs failed to demonstrate a likelihood of success on the merits of their claim under the National Environmental Policy Act?
3. Did the District Court err when it held that the balance of hardships did not favor Plaintiffs?

The parties’ briefs shall be limited to these issues, but the parties are not limited in

their briefing to the arguments or authority upon which the district court relied. For the purposes of briefing and argument, the parties may cite only legal authorities dated before November 19, 2009.

SO ORDERED.

October 1, 2009

/s/

Judge Sybil Copeland