

FILED

UNITED STATES COURT OF APPEALS

OCT 09 2009

FOR THE NINTH CIRCUIT

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

ELECTRONIC FRONTIER
FOUNDATION,

Plaintiff - Appellee,

v.

OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE; et al.,

Defendants - Appellants.

No. 09-17235

D.C. Nos. 3:08-cv-01023-JSW
3:08-cv-02997-JSW
Northern District of California,
San Francisco

ORDER

Before: W. FLETCHER and RAWLINSON, Circuit Judges.

Appellants' emergency motion for stay pending appeal of the district court's October 7, 2009 order is denied without prejudice to renewal following presentation to the district court and the district court's issuance of an order granting or denying the motion. *See* Fed. R. App. P. 8(a).

The previously established briefing schedule remains in effect.