

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF IDAHO,

Defendant.

Case No. 1:22-cv-00329-BLW

**MEMORANDUM DECISION AND  
ORDER**

On Friday, July 12, 2024, at around 10:30 p.m., the State of Idaho filed a motion to modify the preliminary injunction previously entered in this case. *See* Dkt. 166. The State also requests a drastically shortened briefing time: It asks the Court to issue a ruling by no later than Thursday, July 18, 2024—meaning that the United States would need to file its response by Tuesday, July 16, 2024 and the State would file its reply brief on Wednesday, July 17, 2024. *See Motion for Emergency Ruling and to Shorten Briefing Schedule*, Dkt. 167.

The Court will decline to shorten the briefing deadlines and will instead allow the usual briefing schedule to control. Among other things, the undersigned judge is presiding over a trial during the week of July 16, so the State’s request for a ruling on July 18, 2024 presents particular difficulties. And, even putting the trial aside, the Court does not wish to rush this decision. The parties should have sufficient time to fully brief the issues—including, for example, whether the Court has jurisdiction to modify the injunction as requested by the State. *See Prudential Real Estate Affiliates, Inc. v. PPR Realty, Inc.*, 204 F.3d 867, 880 (9th Cir. 2000) (“A district court lacks jurisdiction to modify an injunction once it has been appealed except to maintain the status quo among the parties”); Karen L. Stevenson & James E. Fitzgerald, *Rutter Group Practice*

*Guide: Fed. Civ. Pro. Before Trial (Cal. & 9<sup>th</sup> Cir. ed.)* ¶ 13:224.5 (explaining that district courts “cannot change the order appealed from on the basis of new arguments or evidence” because “[p]rocedural chaos would result if appellate and district courts attempted to exercise jurisdiction simultaneously”).

Accordingly, **IT IS ORDERED THAT** the State of Idaho’s Motion for Emergency Ruling and To Shorten Briefing Schedule (Dkt. 167) is **DENIED**. The Court will take up the State’s emergency motion to modify preliminary injunction, filed at Dkt. 166, after that motion ripens on a regular briefing schedule.



DATED: July 14, 2024

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill  
United States District Judge