

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 26 2020

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

MILDA RODRIGUEZ VASQUEZ, AKA
Milda Rodriguez Velasquez, on her own
behalf, and on behalf of her minor son, M.S.
M.R. as his next friend; M.S. M.R., minor
son,

Petitioners-Appellants,

v.

CHAD F. WOLF, Secretary; WILLIAM P.
BARR, Attorney General,

Respondents-Appellees.

No. 20-55142

D.C. No.

2:20-cv-01274-JAK-GJS

Central District of California,
Los Angeles

ORDER

Before: CANBY, GOULD, and WATFORD, Circuit Judges.

Appellants' motion for an emergency stay of removal and for an order granting their request for a temporary restraining order and a preliminary injunction (Docket Entry No. 7) is granted in part and denied in part.

- 1) Appellants shall be permitted to consult within seven (7) days of the date of this order with a pediatric neurologist and pediatric neurosurgeon in order to determine appropriate emergency treatment for M.S. M.R., if any, and to secure a medical determination as to whether it is safe for M.S. M.R. to travel on an airplane.

- 2) Appellants' request to order respondents to provide M.S. M.R. with a bed that is not a bunk bed (Docket Entry No. 7) is denied.
- 3) Appellants' request to enjoin respondents from physically moving appellants without providing 72-hours' notice to appellants' counsel (Docket Entry No. 7) is denied.
- 4) Appellants' request to supplement the record with revised medical opinions (Docket Entry No. 12) is granted.
- 5) Appellants' alternative request to remand the case to the district court to allow the district court to consider the revised medical opinions (Docket Entry No. 12) is denied.

Appellants' removal is stayed until further order of this court.

Appellants shall file a status report within fifteen (15) days after the date of this order.

Upon compliance with this order, the government may move to lift the stay of removal.

The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than March 9, 2020; the answering brief is due April 6, 2020 or 28 days after service of the opening brief, whichever is earlier;

and the optional reply brief is due within 21 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

No streamlined extensions of time will be approved. *See* 9th Cir. R. 31-2.2(a)(3). Any request for an extension of time to file a brief must be made by written motion under Ninth Circuit Rule 31-2.2(b).

Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

This panel retains jurisdiction over compliance with this order.