

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 5 2023

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

COALITION ON HOMELESSNESS; et al.,

Plaintiffs-Appellees,

v.

CITY AND COUNTY OF SAN
FRANCISCO; et al.,

Defendants-Appellants.

No. 23-15087

D.C. No. 4:22-cv-05502-DMR
Northern District of California,
Oakland

ORDER

Before: BUMATAY, KOH, and DESAI, Circuit Judges.

The City’s motion to modify the preliminary injunction raises the sole issue of the definition of “involuntarily homeless.” Because the parties agree that a person is not involuntarily homeless if they have declined a specific offer of available shelter or otherwise have access to such shelter or the means to obtain it, and because the district court has denied the plaintiffs’ motion to enforce the injunction, the City’s motion to modify the preliminary injunction is **DENIED WITHOUT PREJUDICE**. The court will address all the other issues raised by the appeal in due course.