FILED

SEP 3 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Doctor STACY SEYB, M.D.,

Plaintiff - Appellee,

v.

MEMBERS OF THE IDAHO BOARD OF MEDICINE, in their official capacities; et al.,

Defendants,

RAUL LABRADOR,

Intervenor-Defendant - Appellant.

No. 26-5360

D.C. No. 1:24-cv-00244-BLW
District of Idaho, Boise

ORDER

Doctor STACY SEYB, M.D.,

Plaintiff - Appellee,

v.

MEMBERS OF THE IDAHO BOARD OF MEDICINE; et al.,

Defendants,

ADA COUNTY PROSECUTING ATTORNEY, Jan Bennetts, in her official capacity,

Defendant - Appellant,

No. 26-5558

D.C. No. 1:24-cv-00244-BLW
District of Idaho, Boise

ORDER

RAUL LABRADOR,

Intervenor-Defendant.

Before: WARDLAW, BERZON, and CALLAHAN, Circuit Judges.

The unopposed motions to consolidate Cases No. 26-5360 and No. 26-5558, Dkt. 17 (No. 26-5360); Dkt. 14 (No. 26-5558), are GRANTED.

IT IS ORDERED that the injunction entered by the district court on August 13, 2026, and stayed in part pending appeal on August 25, 2026, is temporarily stayed pending briefing and oral argument on Appellants' Emergency Motions for a Stay Pending Appeal, Dkt. 14 (No. 26-5360); Dkt. 12 (No. 26-5558). The temporary stay does not reflect the Court's views on the Emergency Motions for a Stay Pending Appeal.

Appellee's motion for leave to file an oversized Response, Dkt. 19 (No. 26-5360); Dkt. 16 (No. 26-5558), is GRANTED. Appellants may file a proportionately oversized Reply.

Appellee shall file his Response no later than September 8, 2026. Appellants may file a Reply no later than September 15, 2026. Oral argument over videoconference as to the propriety of a stay pending appeal will be held September 22, 2026, at 2:00 P.M. PST. Each side will have thirty minutes.