

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

DEC 26 2025

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

ELIZABETH MIRABELLI, an individual;  
LORI ANN WEST, an individual; JANE  
ROE, an individual, on behalf of herself and  
all others similarly situated; JANE BOE, an  
individual, on behalf of herself and all  
others similarly situated; JOHN POE, an  
individual, on behalf of himself and all  
others similarly situated; JANE POE, an  
individual on behalf of herself and all others  
similarly situated; Dr JOHN DOE, an  
individual, on behalf of himself and all  
others similarly situated; Miss JANE DOE,  
an individual, on behalf of herself and all  
others similarly situated,

Plaintiffs - Appellees,

v.

ROB BONTA, in his official capacity as  
Attorney General of California; TONY  
THURMOND, in his official capacity as the  
California State Superintendent of Public  
Instruction; LINDA DARLING-  
HAMMOND, in her official capacity as  
President of the California State Board of  
Education; CYNTHIA GLOVER WOODS,  
in her official capacity as Vice President of  
the California State Board of Education;  
FRANCISCO ESCOBEDO, in his official  
capacity as a member of the California State  
Board of Education; BRENDA LEWIS, in  
her official capacity as a member of the  
California State Board of Education;  
JAMES J. MCQUILLEN, in his official

No. 25-8056

D.C. No.

3:23-cv-00768-BEN-VET

Southern District of California,  
San Diego

ORDER

capacity as a member of the California State Board of Education; SHARON OLKEN, in her official capacity as a member of the California State Board of Education; GABRIELA OROZCO-GONZALEZ, in her official capacity as a member of the California State Board of Education; KIM PATTILLO BROWNSON, in her official capacity as a member of the California State Board of Education; HAYDEE RODRIGUEZ, in her official capacity as a member of the California State Board of Education; ALISON YOSHIMOTO-TOWERY, in her official capacity as a member of the California State Board of Education; ANYA AYYAPPAN, in her official capacity as a member of the California State Board of Education,

Defendants - Appellants,

and

MARK OLSON, in his official capacity as President of the EUSD Board of Education, FRANK HUSTON, in his official capacity as Vice President of the EUSD Board of Education, JOAN GARDNER, in her official capacity as a member of the EUSD Board of Education, DOUG PAULSON, in his official capacity as a member of the EUSD Board of Education, ZESTY HARPER, in her official capacity as a member of the EUSD Board of Education, LUIS RANKINS-IBARRA, in his official capacity as Superintendent of EUSD, JOHN ALBERT, both in his personal capacity and in his official capacity as Assistant Superintendent of EUSD, TRENT SMITH, both in his personal capacity and in his

official capacity as Director of Integrated Student Services for EUSD, TRACY SCHMIDT, both in her personal capacity and in her official capacity as Director of Integrated Student Supports for EUSD, STEVE WHITE, both in his personal capacity and in his official capacity as Principal of Rincon Middle School at EUSD, NAOMI PORTER, in her official capacity as a member of the California State Board of Education, ESCONDIDO UNION SCHOOL DISTRICT, a local educational agency,

Defendants.

Before: MURGUIA, Chief Judge, and HURWITZ and MENDOZA, Circuit Judges.

The court has received Defendants’ emergency motion for stay pending appeal and for an immediate administrative stay. Dkt. No. 7. An administrative stay is “only intended to preserve the status quo until the substantive motion for a stay pending appeal can be considered on the merits, and does not constitute in any way a decision as to the merits of the motion for stay pending appeal.” *Doe #1 v. Trump*, 944 F.3d 1222, 1223 (9th Cir. 2019). The request for an administrative stay is GRANTED. The district court’s December 22, 2025 permanent injunction is temporarily stayed pending further order.

The response to the emergency motion is due December 30, 2025. The optional reply in support of the emergency motion is due December 31, 2025.