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IN THE UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JAMES GRINOLS, ROBERT ODDEN, in their
capacity as Presidential Electors; EDWARD C.
12 NOONAN, THOMAS GREGORY
MACLERAN, KEITH JUDD, in their capacity
13 as candidates for the U.S. President; ORLY
TAITZ in her capacity as candidate for office in
14 the state of California; EDWARD NOONAN
and ORLY TAITZ in their capacity as
15 registered voters in CA and candidates for
office in CA,

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Plaintiffs,

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v.

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19 GOVERNOR OF CALIFORNIA,
SECRETARY OF STATE OF CALIFORNIA,
U.S. CONGRESS; ELECTORAL COLLEGE;
20 BARACK (BARRY) SOETORO, AKA
BARACK HUSSEIN SOEBARKAH, AKA
21 ALIAS BARACK HUSSEIN OBAMA, AKA
ALIAS BARACK A. OBAMA, AKA ALIAS
22 HARRISON (HARRY) J. BOUNEL, AKA
ALIAS S.A. DUNHAM, in his capacity as an
23 individual and candidate for the U.S. President,
and JOHN DOES AND JANE DOES 1-300,

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Defendants.

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CASE NO. 2:12-CV-02997-MCE-DAD

**FEDERAL DEFENDANTS' OPPOSITION
TO PLAINTIFFS' REQUEST FOR A
STAY PENDING THE NINTH
CIRCUIT'S DISPOSITION OF
PLAINTIFFS' NOTICE OF APPEAL**

1 **I. INTRODUCTION**

2 Federal Defendants respectfully submit this Opposition to the request for a stay of district court
3 proceedings that plaintiffs have made in conjunction with a Notice of Appeal (Docket No. 104) they
4 filed from this Court's denial of plaintiffs' motion for a default judgment.¹

5 **II. DISCUSSION**

6 Plaintiffs ask this Court "to stay further proceeding in this case pending a ruling [by the Ninth
7 Circuit] on the appeal of the denial of the motion for default judgment." Docket No. 104 at 3.
8 However, an order denying a motion for a default judgment is not a final appealable order. *See Bird v.*
9 *Reese*, 875 F.2d 256, 256 (9th Cir. 1989) ("Because [the denial of a motion for default judgment] is not
10 a final appealable order, we lack jurisdiction over this appeal."). Because the Ninth Circuit lacks
11 jurisdiction over plaintiffs' appeal, there is no basis for plaintiffs' request for a stay of district court
12 proceedings pending the Ninth Circuit's disposition of plaintiffs' appeal.²

13 **III. CONCLUSION**

14 For the foregoing reasons, federal defendants respectfully ask the Court to deny plaintiffs'
15 request for a stay of district court proceedings pending the Ninth Circuit's disposition of their appeal
16 from the Court's denial of plaintiffs' motion for a default judgment.

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18 Respectfully submitted,

19 BENJAMIN B. WAGNER
20 United States Attorney

21 Date: April 3, 2013

22 /s/ Edward A. Olsen
EDWARD A. OLSEN
Assistant United States Attorney

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24 ¹The undersigned represents the United States, Congress, and any federal employees and
25 officials named in their official capacity. In addition, the United States Attorney's Office appears in this
case to "attend to the interests of the United States." 28 U.S.C. §§ 517, 547.

26 ²This Court denied plaintiffs' previous request for a stay of district court proceedings pending
27 the Ninth Circuit's disposition of plaintiffs' petition for a writ of mandamus. Docket Nos. 76, 92. The
28 Ninth Circuit has since denied plaintiffs' petition for a writ of mandamus. *See In re: James Grinols*, 9th
Cir. Appeal No. 13-70744; Docket No. 105.