

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-5269

September Term, 2004

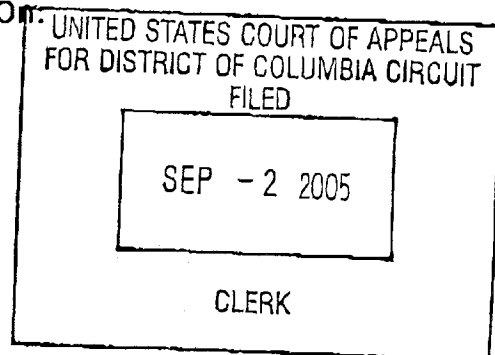
96cv01285

Elouise Pepion Cobell, et al.,  
Appellees

v.

Gale A. Norton, Secretary of the Interior, et al.,  
Appellants

Filed On



**BEFORE:** Sentelle, Henderson, and Brown, Circuit Judges

## ORDER

Upon consideration of the emergency motion for stay, the opposition thereto and motion to dismiss the appeal, the reply to the opposition to the motion for stay and opposition to the motion to dismiss, and the reply to the opposition to the motion to dismiss, it is

**ORDERED** that the motion to dismiss be referred to the merits panel to which this appeal is assigned. The parties are directed to address in their briefs the issues presented in the motion to dismiss rather than incorporate those arguments by reference. It is

**FURTHER ORDERED** that the administrative stay issued July 28, 2005 be dissolved. It is

**FURTHER ORDERED** that the emergency motion for stay be granted, and that the district court's order filed July 12, 2005 be stayed pending resolution of this appeal. Appellants have shown sufficient likelihood of success on the merits and irreparable harm to warrant the issuance of a stay pending appeal. See Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); Virginia Petroleum Jobbers Association v. FPC, 259 F.2d 921 (D.C. Cir. 1958) (per curiam).

Per Curiam

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KLH  
AD