

FILED

UNITED STATES COURT OF APPEALS

FEB 11 2022

FOR THE NINTH CIRCUIT

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

JOY GARNER, individually and on behalf
of The Control Group; et al.,

Plaintiffs-Appellants,

v.

JOSEPH R. BIDEN, in his official
capacity as President of the United States
of America,

Defendant-Appellee.

No. 21-15587

D.C. No.

2:20-cv-02470-WBS-JDP

Eastern District of California,

Sacramento

ORDER

Before: IKUTA, MILLER, and BADE, Circuit Judges.

On February 11, 2022, the district court filed a entry on this court's docket in this matter (Dkt. No. 39). That docket entry is an order issued by the district court, which states that the district judge has recused himself from all proceedings related to this matter and has vacated and set aside all his orders. Because Garner's notice of appeal divested the district court of jurisdiction over the order on appeal, *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam), the parties are ordered to file simultaneous supplemental briefing regarding the effect of the district court's vacatur order. *See Davis v. Yageo Corp.*, 481 F.3d

661, 685 (9th Cir. 2007). The briefs shall not exceed 10 pages, and shall be filed within 10 days of this order.