

FILED

AUG 31 2007

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

THE SIERRA CLUB FOUNDATION; et
al.,

Petitioners,

v.

DEPARTMENT OF
TRANSPORTATION; et al.,

Respondents.

No. 07-73415

ORDER

Before: KLEINFELD, M. SMITH and IKUTA, Circuit Judges.

Petitioners' emergency motion to stay the Federal Motor Carrier Safety Administration's ("FMCSA") pilot or demonstration project regarding Mexican-domiciled motor carriers, *see* 72 Fed. Reg. 46263-64 (Aug. 17, 2007), is denied. Petitioners have not satisfied the legal requirements for a stay pending review of the petition. *See Walczak v. EPL Prolong Inc.*, 198 F.3d 725, 731 (9th Cir. 1999) (stating legal standard).

The briefing schedule established previously shall remain in effect.