

FILED

UNITED STATES COURT OF APPEALS

NOV 14 2011

FOR THE NINTH CIRCUIT

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

MICHAEL M. CARNEY,

Plaintiff - Appellant,

v.

BANK OF AMERICA CORPORATION,
a Delaware corporation; et al.,

Defendants - Appellees.

No. 11-56421

D.C. No. 8:11-cv-00571-CJC-
MLG

Central District of California,
Santa Ana

ORDER

Before: LEAVY and TROTT, Circuit Judges.

Appellant's emergency motion for a stay of the foreclosure sale pending appeal is granted. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987); *Cal.*

Pharmacists Ass'n v. Maxwell-Jolly, 563 F.3d 847, 849-50 (9th Cir. 2009) (order).

Appellees' motion to dismiss this appeal as moot is denied. *See SEC v. Mount Vernon Mem'l Park*, 664 F.2d 1358, 1361 (9th Cir. 1982) (district court's entry of *final judgment* renders pending appeal from preliminary injunction moot) (emphasis added).

The answering brief is due on December 12, 2011; the optional reply brief is due within 14 days after service of the answering brief.