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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DRAKES BAY OYSTER COMPANY, <i>et al.</i>)	Case No. 4:12-cv-06134-YGR
)	
Plaintiffs,)	
)	
v.)	[PROPOSED] ORDER DENYING
)	PLAINTIFFS' MOTION FOR
)	INJUNCTION PENDING APPEAL
KENNETH L. SALAZAR, in his official)	
capacity as Secretary, U.S. Department of)	
the Interior, <i>et al.</i> ,)	
)	
Defendants.)	
)	


Presently before the Court is Plaintiffs' Motion for Injunction Pending Appeal (Dkt. No. 92). Having considered Plaintiffs' motion, Defendants' opposition, and all arguments and evidence related thereto, Plaintiffs' Motion for Injunction Pending Appeal is **DENIED**.

Plaintiffs have failed to establish they are entitled to preliminary injunctive relief under Fed. R. Civ. P. 62(c), for the same reasons described in the Court's prior Order Denying Plaintiffs' Motion for Preliminary Injunction (Dkt. No. 89).

This Order terminates Dkt. No. 92.

IT IS SO ORDERED.

Dated: February 11, 2013



 YVONNE GONZALEZ ROGERS
 UNITED STATES DISTRICT JUDGE