

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SEP 12 2013

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

KONIAG, INC., an Alaska corporation,  
and MICHAEL P. O'CONNELL,

Plaintiffs - Appellees,

v.

KURT KANAM, individually and as  
Tribal Attorney for the Native Village of  
Karluk, and ORBIE MULLINS,  
individually and as Village of Karluk  
Tribal Court Judge for the Karluk Tribal  
Court for the Native Village of Karluk,

Defendants - Appellants.

No. 13-35759

D.C. No. 3:12-cv-00077-SLG  
District of Alaska,  
Anchorage

ORDER

On July 29, 2013, the district court issued an order granting partial summary judgment on plaintiffs' permanent injunction claim. On August 19, 2013, appellants filed a notice of appeal. The district court's July 29, 2013 order granting a permanent injunction would be immediately appealable. *See* 28 U.S.C. § 1292(a)(1). The notice of appeal, however, does not challenge the district court's July 29, 2013 order. Rather, the notice of appeal appears to challenge the district court's jurisdiction and argues that this action should be remanded to the Karluk Tribal Court.

A review of the record suggests that this court may lack jurisdiction over the appeal because the notice of appeal does not challenge any final or appealable orders of the district court. *Cf. Bishop v. Bechtel Power Corp. (Estate of Bishop)*, 905 F.2d 1272, 1274-75 (9th Cir. 1990) (order denying motion to remand to state court is not an appealable collateral order).

Within 21 days after the date of this order, appellants shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellants elect to show cause, a response may be filed within 10 days after service of the memorandum.

If appellants do not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Monica Fernandez  
Motions Attorney/Deputy Clerk