

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 10-30585

HORNBECK OFFSHORE SERVICES, L.L.C.; BEE MAR - WORKER BEE,
L.L.C.; NORTH AMERICAN FABRICATORS, L.L.C.; BEE MAR, L.L.C.;
OFFSHORE SUPPORT SERVICES, L.L.C.; ET AL,

Plaintiffs - Appellees

v.

KENNETH LEE SALAZAR, also known as Ken Salazar, In His Official
Capacity as Secretary, United States Department of the Interior; UNITED
STATES DEPARTMENT OF THE INTERIOR; ROBERT ABBEY, also known
as Bob Abbey, In His Official Capacity as Director, Bureau of Ocean Energy
Management, Regulation and Enforcement; BUREAU OF OCEAN ENERGY
MANAGEMENT, REGULATION AND ENFORCEMENT, formerly known as
Minerals Management Service,

Defendants - Appellants

FLORIDA WILDLIFE FEDERATION; CENTER FOR BIOLOGICAL
DIVERSITY; NATURAL RESOURCES DEFENSE COUNCIL; SIERRA
CLUB; DEFENDERS OF WILDLIFE,

Intervenor Defendants - Appellants

Appeal from the United States District Court for the
Eastern District of Louisiana, New Orleans

No. 10-30585

Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM:

1. The motion for stay pending appeal is denied because the Secretary has failed to demonstrate a likelihood of irreparable injury if the stay is not granted; he has made no showing that there is any likelihood that drilling activities will be resumed pending appeal.

2. The Secretary has the right to apply for emergency relief if he can show that drilling activity by deepwater rigs has commenced or is about to commence. Any renewed motion for stay will be evaluated on existing circumstances.

3. It is further ordered that this appeal be expedited to a merits panel. The clerk will establish an expedited briefing schedule so the appeal of the preliminary injunction can be argued on its merits during the week of August 30.

DENNIS, Circuit Judge, concurring in part and dissenting in part: I would grant the Secretary's motion to stay the district court's preliminary injunction pending appeal, and to this extent, I respectfully dissent from the majority's order. I concur, however, in reserving the Secretary's right to apply for emergency relief and ordering an expedited appeal and briefing. I will assign reasons for my dissenting view at a later date.