SUPREME COURT OF THE UNITED STATES

No. 00A145

UNITED STATES *v.* OAKLAND CANNABIS BUYERS' COOPERATIVE ET AL.

ON APPLICATION FOR STAY

[August 29, 2000]

The application for stay presented to JUSTICE O'CONNOR and by her referred to the Court is granted as to the order granting the motion to modify the injunction, and as to paragraph 6 of the amended preliminary injunction, both entered by the United States District Court for the Northern District of California, Case No. 98–0088 CRB, on July 17, 2000. The stay shall be in effect pending final disposition of the appeal by the United States Court of Appeals for the Ninth Circuit and further order of this Court.

JUSTICE STEVENS, dissenting.

When faced with an application of this kind, we are required to engage in the speculative task of balancing the "stay equities," *INS* v. *Legalization Assistance Project of Los Angeles County Federation of Labor,* 510 U. S. 1301, 1304 (1993) (O'CONNOR, J., in chambers); *see also Weinberger* v. *Romero-Barcelo,* 456 U. S. 305, 322 (1982) (STEVENS, J., dissenting) ("Unless Congress specifically commands a particular form of relief, the question of remedy remains subject to a court's equitable discretion."). Because the applicant in this case has failed to demonstrate that the denial of necessary medicine to seriously ill and dying patients will advance the public interest or that the failure to enjoin the distribution of such medicine will impair the orderly enforcement of federal criminal statutes, whereas respondents have demonstrated that the entry of a stay will

cause them irreparable harm, I am persuaded that a fair assessment of that balance favors a denial of the extraordinary relief that the government seeks. I respectfully dissent.

JUSTICE BREYER took no part in the consideration or decision of this application.