

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 30, 2008

ECO-9

No. 08-4340

PHILIP J. BERG, Appellant

v.

BARACK HUSSEIN OBAMA, et al.

(E.D. Pa. No. 08-cv-4083)

PRESENT: **AMBRO** and **JORDAN**, Circuit Judges

- 1) Emergency Motion by Appellant Philip J. Berg for an Immediate Injunction To Stay the Presidential Election of November 4, 2008 Pending Resolution of the Petitioner's Appeal;
- 2) Response on behalf of Appellee Barack Obama with Exhibits to Appellant's Motion for Injunction To Stay the Presidential Election of November 4, 2008;
- 3) Response on behalf of Appellee Federal Election Commission with Exhibit to Motion for an Immediate Injunction To Stay the Presidential Election of November 4, 2008.

Carolyn Hicks, Case Manager
267-299-4926

ORDER

Plaintiff-Appellant's Emergency Motion for an Immediate Injunction To Stay the Presidential Election of November 4, 2008 Pending Resolution of the Petitioner's Appeal is hereby

(Continued)

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ORDER

DENIED. For the reasons ably expressed by the District Court—and not addressed in Plaintiff-Appellant’s Emergency Motion—it appears that Plaintiff-Appellant lacks standing to challenge Senator Barack Obama's candidacy for the Presidency of the United States. Accordingly, Plaintiff-Appellant has not shown a likelihood of success with respect to his appeal.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: October 31, 2008

cc: Philip Berg, Esq.

John P. Lavelle, Jr., Esq.

Benjamin A. Streeter, III, Esq.