

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

Commodity Futures Trading
Commission, *et al.*,

Plaintiffs-Appellees,

v.

Jackie Johnson, *et al.*,

Defendants-Appellants.

No. 26-4281

STATUS REPORT

Pursuant to this Court’s order of July 21, 2026 (Dkt. No. 9.1), Defendants-Appellants the State of Arizona; Jackie Johnson, in her official capacity as Director of the Arizona Department of Gaming; and Kristin K. Mayes, in her official capacity as Attorney General for the State of Arizona (collectively, Defendants) hereby submit the following status report:

On August 28, 2026, the Court issued its decision in *KalshiEX, LLC v. Assad, et al.*, No. 25-7516, --- F.4th ----, 2026 WL 2543846 (9th Cir. Aug. 28, 2026) (*Assad*). That same day, Defendants sought agreement from the other parties, Plaintiff KalshiEX, LLC (Kalshi); Intervenor Plaintiff North American Derivatives Exchange, Inc., d/b/a Crypto.com | Derivatives North America (Crypto.com); and Plaintiffs-Appellees the United States of America and the Commodity Futures Trading Commission (CFTC) (collectively, Plaintiffs), on summary disposition:

that this Court should (1) summarily vacate the District Court's May 5, 2026 preliminary injunction order (ECF No. 96) as to sports contracts, and (2) remand for additional proceedings as to election contracts.

Defendants contacted all Plaintiffs again on September 1 and September 2 to seek their positions on the proposed disposition, and to make clear that Defendants contemplated filing a motion pursuant to Circuit Rule 3-6. On September 2, counsel for Kalshi stated they intended to seek rehearing in *Assad* and, on that basis, would oppose such a motion. Earlier today, counsel for the CFTC, on behalf of Federal Plaintiffs, requested an additional week to consider Defendants' proposal. Counsel for Kalshi and Crypto.com do not object to the Federal Plaintiffs' request.

Defendants agreed to Federal Plaintiffs' request for additional time to consider Defendants' proposed disposition. Promptly after receiving Plaintiffs' response, expected by September 11, 2026, Defendants will file with this Court an updated status report or a motion for appropriate relief.

RESPECTFULLY SUBMITTED this 4th day of September, 2026.

**KRISTIN K. MAYES
ATTORNEY GENERAL**

By /s/ William Y. Durbin
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using ACMS on September 4, 2026.

I certify that I served the foregoing, having obtained prior consent, by email to the following case participants, counsel for Plaintiff KalshiEX, LLC:

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I certify that all other participants in the case are registered ACMS users and that service will be accomplished by ACMS.

September 4, 2026

/s/ William Y. Durbin
William Y. Durbin