

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 16 2023

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ELIZABETH A. HOLMES,

Defendant-Appellant.

No. 22-10312

D.C. No. 5:18-cr-00258-EJD-1
Northern District of California,
San Jose

ORDER

Before: GRABER, NGUYEN, and SUNG, Circuit Judges.

Appellant’s motion for bail pending appeal (Docket Entry Nos. 36-38) is denied. Appellant has not shown that: (1) the appeal raises a “substantial question” of law or fact that is “fairly debatable,” and (2) if that question is decided in appellant’s favor, the likely outcome is reversal, an order for a new trial on all counts resulting in imprisonment, a sentence that includes no term of imprisonment, or a sentence with a term of imprisonment less than time served plus the expected duration of the appeal process. *See* 18 U.S.C. § 3143(b)(1)(B); *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985).

The existing briefing schedule remains in effect.