

Beat: Politics

Gay marriage opponents ask court to halt California weddings

-, 30.06.2013, 06:01 Time

USPA News - Gay marriage opponents on Saturday filed an emergency application asking the U.S. Supreme Court to overrule a federal appeals court which lifted the stay on California's Proposition 8, allowing same-sex marriages to resume in the state. Austin Nimocks, Senior Counsel for the Arizona-based Alliance Defending Freedom which defends Proposition 8, said the U.S. Court of Appeals for the 9th Circuit acted `prematurely` when it lifted the stay.

Its decision allowed California to resume performing same-sex marriages, effective immediately. The lawyer said court rules require the federal appeals court to wait for a certified copy of the judgment from the U.S. Supreme Court before taking action, and the high court had not yet done so as of Saturday. It is expected to take at least 25 days under Rule 45 of the Supreme Court's rules. "Everyone on all sides of the marriage debate should agree that the legal process must be followed," Nimocks said. "The 9th Circuit made a clear representation upon which all parties should be able to rely - that the stay would remain in place until final disposition by the Supreme Court. On Friday, the 9th Circuit acted contrary to its own order without explanation." When the 9th Circuit issued the stay in 2008, it stated that the stay would continue until "final disposition" by the U.S. Supreme Court. "Failing to correct the appellate court's actions threatens to undermine the public's confidence in its legal system," the lawyers claim in the emergency application.

Article online:

<https://www.uspa24.com/bericht-1192/gay-marriage-opponents-ask-court-to-halt-california-weddings.html>

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