

FILED

UNITED STATES COURT OF APPEALS

JUL 30 2010

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STATE OF ARIZONA and JANICE K.
BREWER, Governor of the State of
Arizona, in her official capacity,

Defendants - Appellants.

No. 10-16645

D.C. No. 2:10-cv-01413-SRB
District of Arizona,
Phoenix

ORDER

The appeal filed July 29, 2010 is a preliminary injunction appeal.

Accordingly, Ninth Circuit Rule 3-3 shall apply.

If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal.

To the extent that appellants seek to expedite the appeal beyond the provisions of Ninth Circuit Rule 3-3(b), appellants' motion is denied. *See* 9th Cir. R. 27-12. Accordingly, briefing shall proceed as follows: the opening brief and excerpts of record are due not later than August 26, 2010; the answering brief is

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due September 23, 2010 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

The provisions of Ninth Circuit Rule 31-2.2(a) shall not apply to this appeal. The Clerk shall not grant any extensions of time to file the briefs absent extraordinary and compelling circumstances.

The Clerk shall calendar this case during the week of November 1, 2010 in San Francisco, California.

If appellants fail to file timely the opening brief, this appeal will be dismissed automatically by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Kathleen Boergers
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A