

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 07-5080**

**September Term 2008**

**06cv00306**

**Filed On:** July 1, 2009

Scott Tooley,

Appellant

v.

Janet Ann Napolitano, Homeland Security  
Secretary, in her official capacity, et al.,

Appellees

**BEFORE:** Sentelle, Chief Judge, and Tatel, Circuit Judge, and Williams,  
Senior Circuit Judge

**ORDER**

Upon consideration of appellees' petition for rehearing, the response thereto, and the supplemental briefs, it is

**ORDERED** that the petition for rehearing be granted. This case is scheduled for oral argument before the above-named panel at 9:30 a.m. on October 8, 2009. It is

**FURTHER ORDERED** that the judgment filed February 20, 2009, be vacated. It is

**FURTHER ORDERED** that the following briefing schedule apply in this case:

Brief and Appendix for Appellant	July 24, 2009
Brief for Amicus Curiae for Appellant	July 24, 2009
Brief for Appellees	August 24, 2009
Reply Brief for Appellant	September 8, 2009
Reply Brief for Amicus Curiae for Appellant	September 8, 2009

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 07-5080**

**September Term 2008**

Appellant must raise all issues and arguments in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

Parties are directed to hand deliver the paper copies of their briefs to the Clerk's office on the date due. All brief and appendices must contain the date the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a). Because the briefing schedule is keyed to oral argument, the court will grant requests for extensions of time limits for briefs only for extraordinarily compelling reasons.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk