

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 06 2005

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

ANGEL MCCLARY RAICH; et al.,

Plaintiffs - Appellees,

v.

ALBERTO R. GONZALES, Attorney  
General; et al.,

Defendants - Appellants.

No. 04-16296

D.C. No. CV-02-4872-MJJ  
Northern District of California

ORDER

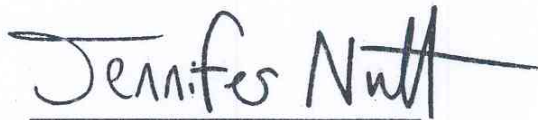
On August 6, 2004, this court stayed this appeal and ordered the parties to file a status report or a motion for appropriate relief within seven days of the Supreme Court's disposition of *Gonzales v. Raich*, No. 03-1454. The Supreme Court issued its decision on June 6, 2005. *See Gonzales v. Raich*, 125 S. Ct. 2195 (2005). The parties have not filed a status report or motion.

The stay imposed on August 6, 2004, is lifted. The briefing schedule for this preliminary injunction appeal is set as follows: the opening brief is due August 2, 2005; the answering brief is due September 2, 2005; and the optional reply brief is due within 14 days of service of the answering brief. *See* 9th Cir. R. 3-3(b). If appellants fail to file timely the opening brief, this appeal will be

dismissed automatically by the Clerk for failure to prosecute without further warning. *See* 9th Cir. R. 42-1.

This appeal and any motions pending when briefing is completed shall be referred to the next available motions panel for disposition. *See* 9th Cir. R. 3-3(d).

For the Court

A handwritten signature in black ink that reads "Jennifer Nutt". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Jennifer Nutt  
Staff Attorney/Deputy Clerk  
9th Cir. R. 27-7  
General Orders/Appendix A