

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-5448

September Term, 2005

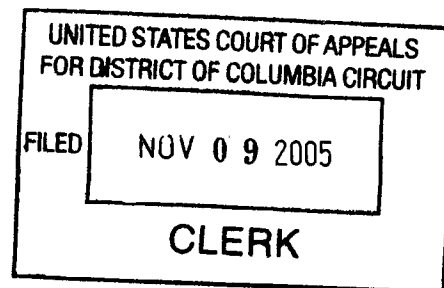
00cv02445

Filed On:

Guadalupe L. Garcia, For himself and on behalf of
G.A. GARCIA and SONS FARM, et al.,
Appellants

v.

Michael Johanns, Secretary, United States
Department of Agriculture,
Appellee



Consolidated with 05-5002

ORDER

It is **ORDERED**, by the Court on its own motion, that the above entitled case be scheduled for oral argument on Monday, February 6, 2006 at 9:30 AM before Circuit Judges Sentelle and Henderson, and Senior Circuit Judge Edwards.

The time and date of oral argument will not change absent further order of the Court.

A further order of the Court will be issued regarding allocation of time for argument.

FOR THE COURT:

Mark J. Langer, Clerk

BY:

Cheri Carter

Cheri Carter

Deputy Clerk

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

General Information
(202) 216-7000

PLEASE READ THIS MEMORANDUM IN ITS ENTIRETY

MEMORANDUM TO ALL COUNSEL OF RECORD

RE: Important Information Concerning Cases Set for Oral Argument

(1) SCHEDULING ORDER

A briefing schedule has now been established in your case. Because the briefing is keyed to the date of argument, the Court will be unable to grant requests for waiver of time limits for briefs or transcripts except in truly extraordinary situations. The Court now requires that the last brief be filed a minimum of fifty (50) days prior to the first day of the month in which your case is scheduled for argument. Please review D.C. Cir. Rule 28(f)(3) before filing motions for extension of time or to exceed page limits for briefs. It is requested that intervenors notify this office by letter if they do not intend to participate in a joint intervenors' brief or to file a separate brief. Counsel for appellant(s)/petitioner(s) who do not intend to file a reply brief are encouraged to notify this office by letter before the due date for filing of that brief. Please note that A BRIEFING REMINDER WILL NOT BE SENT.

(2) FORM 72

Form 72 will be mailed to counsel approximately two weeks prior to oral argument. It is your responsibility to complete and return the Form 72 at least seven (7) days in advance of oral argument. Only counsel for the principal parties, and other counsel who intend to argue, must complete and return the form.

(3) TIME FOR ORAL ARGUMENT

Approximately two (2) weeks before the oral argument date the Court will enter an order setting forth the amount of time to be allowed for argument. See Fed. R. App. P. 34 and D.C. Cir. Rule 34 concerning the apportionment of time allotted. Consolidated cases are considered to be one case for purposes of argument time. The order in which the cases are listed on the calendar is not necessarily the order in which they will be argued on the day of argument. **THE ORDER IN WHICH A CASE SHALL BE HEARD WILL BE AVAILABLE APPROXIMATELY FIVE (5) DAYS PRIOR TO ARGUMENT ON THE COURT'S INTERNET SITE: (www.cadc.uscourts.gov).** Counsel on each of the scheduled dates must report to the courtroom and check in with the Courtroom Deputy by 9:10 a.m. for the morning court session and 1:40 p.m. for the afternoon court session, regardless of their position on the calendar. The court rarely sits in afternoon session. Counsel must refer to the scheduling order issued by the Court to determine whether argument will be heard during a morning or an afternoon session. The starting time set out in the scheduling order can only be changed by a superceding order of the Court. Counsel is to call the court at (202)216-7280 or (202)216-7300 in the event counsel is delayed unexpectedly.

(4) PARTICIPATION IN ORAL ARGUMENT

Ordinarily not more than two counsel may be heard for each side. See D.C. Cir. Rule 34. However, the order allotting time may limit the number of counsel to only one per side. If two counsel intend to present argument for one side, the calendar clerk (202-216-7312) should be notified of the names of the attorneys and the agreed amount of time for each attorney.

(5) MEMBERSHIP IN THE BAR

This Court maintains a bar separate from the United States District Court for the District of Columbia and the