

OFFICE OF THE CLERK
U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT
95 SEVENTH STREET, P.O. BOX 193939
SAN FRANCISCO, CA 94119-3939

NOTICE OF CASES SET FOR HEARING

Your case has been set for hearing as indicated on the attached calendar. Please take special note of the time and place of hearing. In order that the court may make proper arrangements for oral argument, it is essential that you immediately complete the attached acknowledgment of hearing notice and return it to the Clerk's Office address provided.

In preparing for oral argument, the parties should be guided by Rule 34 of the Federal Rules of Appellate Procedure. The following information is provided to ensure the effectiveness of the hearing process:

Possibility of Mootness or Settlement - If your case has become moot or a settlement is imminent, immediately advise this office in writing and **BY TELEPHONE**.

Notification of Related Cases - If you are aware of other cases pending in this court which are related to and which should be calendared with the case(s) checked on the attached calendar, please notify this office.

Admission for Oral Argument - Any attorney who will be presenting oral argument must have been admitted to the bar of this court. If you have not been admitted, please check the appropriate box on the acknowledgment form and return it with a self-addressed franked envelope. This office will provide you with the forms necessary for admission by mail. While admission in open court on the day of hearing is discouraged, you may elect such an admission procedure. Candidates for admission in open court must appear in the Clerk's Office with a sponsor who has already been admitted to the bar of the circuit, and who can orally move the admission before the calendar is called.

Submission Without Oral Argument - A party who feels that oral argument would not be of assistance to the court may present a written motion asking the court to submit the case for decision without oral argument. Such a motion must be served on all parties. The court may, on its own motion, determine that oral argument would not be of assistance. In such cases, all parties will be advised by separate notice pursuant to Fed. R. App. P. 34(a).

Appearing for Argument - If oral argument is to be presented, please register with the courtroom deputy in the courtroom posted for your case 30 minutes before the time of the hearing. All parties for all cases must be registered and present at the time the session is convened.

Hearing Order of Cases - Cases are generally heard in the order in which they appear on the calendar. On the other hand, a panel may elect to poll the calendar prior to the commencement of argument and to rearrange the order of cases based on the projected length of the argument. Nevertheless, parties in the first case should be prepared to begin argument immediately after the court is convened in the event that the entire calendar is not polled.

Limitation of Argument Time - Argument time in cases on the calendar which are identified with an asterisk (*) is limited to 10 minutes per side. In all other cases, oral argument time is limited to 20 minutes per side. The limitations may be modified by the panel at the time of hearing.

Subject of Oral Argument - At the time of hearing, the judges of the panel will have studied the briefs and the excerpts of record and will be familiar with the facts and issues of the case. Argument should be devoted to clarifying issues as needed and to responding to questions raised by the judges of the panel.

Presenting Additional Citations - Additional citations of relevant decisions rendered since the filing of the party's last brief - or after oral argument but before decision - may be submitted by letter, showing proof of service on all counsel and parties not represented by counsel. An original and four copies must be submitted to the court. The letter must state the reasons for the citations, referring to either the page of the brief or to a point argued orally. The body of the letter must not exceed 350 words. Any response must be made promptly and similarly limited. [FRAP 28j, Cir. R. 28-6]

Identity of Panel Members - Not earlier than the week before the court week in which your case will be heard, the names of judges hearing the currently calendared cases will be announced. The names will be posted on the public bulletin board of the Clerk's Office of your local U.S. District Court and on this Court's web page. You may also determine the names of the judges by submitting with the enclosed acknowledgment form, a self-addressed, postage-paid envelope and a card listing the case number, date and time of hearing. We will write the names of the judges hearing your case on this card and mail it to you at the same time that the official calendars are mailed to the District Court Clerk's Offices for posting. [www.ca9.uscourts.gov]

Continuances - After a case has been calendared, continuances are not granted except for a showing of extraordinarily good cause. If oral argument is essential but you find it impossible to be present, you must, immediately after receipt of this hearing notice, submit a formal motion and supporting affidavit for continuance. Presentation of the motion does not ensure that the continuance is granted. The court will not consider the motion for continuance after the identity of the panel of judges has been divulged.



UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

LOCATION OF HEARING FOR OCTOBER CALENDAR

Revised Notice:

James R. Browning US Courthouse
United States Court of Appeals - 9th Circuit
95 Seventh Street
San Francisco, California

August 18, 2005

 Picture ID required to enter Courthouse 
COUNSEL WILL PLEASE CHECK-IN WITH THE DEPUTY IN THE COURTROOM
All CJA Counsel call (415) 556-9853 for travel authorization

Monday, October 17, 2005 9:00 a.m. Courtroom 1, 3rd Floor

() * 04-15290 Dias v. Elique
() * 04-15006 Vincent v. Parraguirre
() * 05-10033 United States v. Miqbel
() * 04-15258 DeRoche v. Arizona Industrial Commission
() 04-15605 Travelers Casualty v. PG&E
() 03-74628 San Luis Obispo Mothers for Peace v. NRC

Monday, October 17, 2005 9:00 a.m. Courtroom 2, 3rd Floor

() * 03-74799 Bowden v. OWCP
() * 04-10513 United States v. Peters
() * 04-15072 Groppi v. Barham
() * 04-70104 Ontiveros De Cano v. Gonzales
04-70108)
() 03-17343 Guru Nanak Sikh Society v. County of Sutter
() 04-55320 Elsinore Christian Center v. City of Lake Elsinore

Monday, October 17, 2005 9:00 a.m. Courtroom 3, 3rd Floor

() * 03-70583 Sapp v. US District Court - Northern California
() * 04-10337 United States v. Bueno-Solis
() * 04-15180 Salazar v. McDonald
() * 04-15061 Armstrong v. Lab One, Inc
() 04-15337 Winterstein v. Stryker Corp.
() 04-15161 Prendeville v. Singer

* MAXIMUM ARGUMENT TIME 10 MINS/SIDE OTHER CASES 20 MINS/SIDE
PLEASE RETURN ENCLOSED ACKNOWLEDGMENT NOTICE to CLERK'S OFFICE

www.ca9.uscourts.gov

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Return Notice To: **Office of the Clerk, U.S. Court of Appeals**
 95 Seventh Street, P.O. Box 193939
 San Francisco, CA 94119-3939
 (415) 556-9780

ACKNOWLEDGMENT OF HEARING NOTICE

ATTENTION: Calendar Clerk

Date: _____

I acknowledge receipt of notice of assignment showing my case:

No. _____

Title: _____

assigned for hearing:

Date: _____ **Time:** _____ **Courtroom:** _____

Location: _____

Counsel to Argue: Name: _____

Address: _____

Phone: _____ **Fax:** _____

Email: _____

Party(s) Represented: _____

Please indicate any special needs you may require in the courtroom:

NOTE: In the event that argument is to be presented "in pro per", please place party's name, address and telephone number in the space provided for counsel.

- Please submit a separate Notice of Appearance to the Clerk's Office for all counsel who have not entered an appearance in the above referenced case(s).

ADMISSION STATUS
(To Be Completed by Attorneys Only)

- () I certify that I am admitted to practice before this Court
- () I certify that I am generally qualified for admission to practice before the bar of the Ninth Circuit and that I will immediately apply for admission.

Date: _____ **Signature:** _____

www.ca9.uscourts.gov