

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 28 2017

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

VIRGINIA DUNCAN; et al.,

Plaintiffs-Appellees,

v.

XAVIER BECERRA, in his official capacity  
as Attorney General of the State of  
California,

Defendant-Appellant.

No. 17-56081

D.C. No.

3:17-cv-01017-BEN-JLB

Southern District of California,  
San Diego

ORDER

The appeal filed July 27, 2017 is a preliminary injunction appeal.

Accordingly, Ninth Circuit Rule 3-3 shall apply.

The mediation questionnaire is due three days after the date of this order.

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.

The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than August 24, 2017; the answering brief is due September 21, 2017 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 21 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

The parties are reminded that streamlined requests for extensions of time are not available in preliminary injunction appeals. *See* [http://www.ca9.uscourts.gov/content/view.php?pk\\_id=0000000638](http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000638). Any request for an extension of time must be requested under Ninth Circuit Rule 31-2.2(b).

Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Katherine Milton  
Deputy Clerk  
Ninth Circuit Rule 27-7