

FILED

UNITED STATES COURT OF APPEALS

FEB 02 2016

FOR THE NINTH CIRCUIT

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

CTIA - THE WIRELESS  
ASSOCIATION,

Plaintiff - Appellant,

v.

CITY OF BERKELEY, California and  
CHRISTINE DANIEL, City Manager of  
Berkeley, California, in her official  
capacity,

Defendants - Appellees.

No. 16-15141

D.C. No. 3:15-cv-02529-EMC  
Northern District of California,  
San Francisco

ORDER

The appeal filed February 1, 2016 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 February 29, 2016; the answering brief is due March 28, 2016 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 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: Sarah Fleischer-Ihn  
Motions Attorney/Deputy Clerk