

FILED

UNITED STATES COURT OF APPEALS

MAR 11 2010

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA; et al.,

Plaintiffs - Appellees,

v.

IRON MOUNTAIN MINES; et al.,

Defendants,

and

T. W. ARMAN,

Defendant - Appellant,

and

WILLIAM A. LOGAN, Jr.; et al.,

Appellants.

No. 09-17411

D.C. No. 2:91-cv-00768-JAM
Eastern District of California,
Sacramento

ORDER

Before: SCHROEDER and LEAVY, Circuit Judges.

The court has received and reviewed the response to this court's order to show cause. The jurisdictional issue does not appear suitable for summary disposition. Accordingly, the order to show cause is discharged.

The court strikes the filings submitted by John F. Hutchens, a non-party to this appeal, received on February 11, 2010, March 2, 2010 and March 8, 2010, from the docket.

If appellant has not already done so, appellant shall within 14 days after the date of this order, designate any reporter's transcripts or serve on appellee a statement indicating that appellant does not intend to order any transcripts. *See* 9th Cir. R. 10-3.1(a). If appellant designates transcripts, the transcripts will be due April 26, 2010.

The opening brief and excerpts of record are due May 26, 2010; the answering brief is due June 25, 2010; and the optional reply brief is due within 14 days after service of the answering brief.