

No. 15-1324

September Term, 2015

FCC-15-71

Filed On: December 23, 2015

Assist Wireless, LLC, et al.,
Petitioners

v.

Federal Communications Commission and
United States of America,
Respondents

BEFORE: Kavanaugh, Pillard, and Wilkins, Circuit Judges

ORDER

Upon consideration of the motion for stay, the opposition thereto, and the reply; the motion to hold in abeyance and defer filing of the record, the opposition thereto, and the reply; and the unopposed motion to file under seal, it is

ORDERED that the motion for stay be denied. Petitioner has not satisfied the stringent requirements for a stay pending court review. See Winter v. Natural Res. Def. Council, 555 U.S. 7 (2008); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2015). It is

FURTHER ORDERED that the motion to hold in abeyance and defer filing of the record be denied. Respondents are directed to file the record within 14 days of the date of this order. It is

FURTHER ORDERED that the motion to file under seal be granted, and that the portions of petitioners' reply that are marked as confidential be filed and maintained under seal. It is

FURTHER ORDERED that the following briefing schedule will apply:

Petitioners' Joint Brief (not to exceed 14,000 words)	February 9, 2016
Respondents' Brief (not to exceed 14,000 words)	March 10, 2016
Petitioners' Joint Reply Brief (not to exceed 7,000 words)	March 24, 2016

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Deferred Appendix

March 31, 2016

Final Briefs

April 7, 2016

All issues and arguments must be raised by petitioners in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief. Although not otherwise limited, the parties are directed to address in their briefs whether the court has jurisdiction to consider this petition for review. See Fox Television Stations, Inc. v. FCC, 280 F.3d 1027, 1037 (D.C. Cir. 2002) (quoting Bennett v. Spear, 520 U.S. 154, 178 (1997)) (“This court has jurisdiction to review ‘final orders’ of the Commission . . .”).

The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant’s or petitioner’s standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 41 (2015); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk’s office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Lynda M. Flippin
Deputy Clerk