

FILED

UNITED STATES COURT OF APPEALS

NOV 04 2013

FOR THE NINTH CIRCUIT

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

CENTER FOR FOOD SAFETY and
CENTER FOR ENVIRONMENTAL
HEALTH,

Plaintiffs - Appellees,

v.

MARGARET A. HAMBURG, M.D., in
her official capacity as Commissioner,
U.S. Food and Drug Administration,

Defendant - Appellant.

No. 13-16841

D.C. No. 4:12-cv-04529-PJH
Northern District of California,
Oakland

ORDER

Before: SILVERMAN and BYBEE, Circuit Judges.

Appellant's motion for expedited consideration of the emergency motion is granted.

Appellant's emergency motion to stay the district court's amended judgment pending appeal is denied. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987); *see also Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008). However, in light of the "government shutdown," the court deems the period of compliance established by the district court tolled. Appellant is ordered to publish a notice of proposed intentional adulteration rule by December 20, 2013.

KE/MOATT

Appellant's motion to expedite the hearing of this appeal is granted. Any request for an extension of time to file a brief is disfavored; any such relief must be requested under Ninth Circuit Rule 31-2.2(b). The opening brief and excerpts of record are due December 23, 2013; the answering brief is due January 22, 2014; and the optional reply brief is due within 14 days after service of the answering brief.

The Clerk shall calendar this case during the week of March 10, 2014 in San Francisco, California.