

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 7 2021

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

NATIONAL ASSOCIATION OF
MANUFACTURERS; et al.,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY; et al.,

Defendants-Appellants.

No. 20-17132

D.C. No. 4:20-cv-04887-JSW
Northern District of California,
Oakland

ORDER

The parties are ordered to file supplemental briefs discussing what impact, if any, the December 31, 2020, Proclamation on Suspension of Entry of Immigrants and Nonimmigrants Who Continue to Present a Risk to the United States Labor Market, Proclamation No. 10131, 86 Fed. Reg. 417 (Jan. 6, 2021), has on this appeal. Among the issues the briefs should address, in addition to any others the parties deem relevant, are:

(1) Whether the factual findings in Proclamation 10131 supersede the factual findings in Proclamation 10052;

(2) Whether the district court should assess the impact of Proclamation 10131 in the first instance;

(3) Whether Proclamation 10131 is enjoined by the district court's October 1, 2020 injunction; and

(4) What remaining independent force, if any, Proclamation 10052 has, given the President's invocation of 8 U.S.C. § 1182(f) in Proclamation 10131.

Appellants' supplemental brief shall not exceed 15 pages and shall be filed within 14 days of this order. Appellees' supplemental brief shall not exceed 15 pages and shall be filed within 14 days of appellants' brief.

The virtual oral argument scheduled for January 19, 2021, in Pasadena, California, is ordered removed from the calendar. The Clerk shall contact counsel to reschedule oral argument for a date in February 2021.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Fung
Deputy Clerk
Ninth Circuit Rule 27-7