



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

100 F Street, N.E.
Washington, D.C. 20549

OFFICE OF THE
GENERAL COUNSEL

William K. Shirey
Direct dial: 202-551-5043
Email: ShireyW@SEC.gov

January 2, 2013

VIA APPELLATE ECF

Nancy Dunn
Clerk's Office
United States Court of Appeals for the
District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., N.W.
Washington, DC 20001

Re: *American Petroleum Institute v. SEC* (No. 12-1398)

Dear Ms. Dunn:

I am counsel of record for the Respondent Securities and Exchange Commission and will be representing the Commission during the oral argument. In a briefing order entered November 1, 2012, the Court directed that this matter should be calendared for argument on the first appropriate date after the completion of briefing; the final brief is due on January 28, 2012.

I am writing to request that this matter not be calendared for argument before February 20, 2013, because I will be generally unavailable during the first several weeks of February. The Court of Appeals for the Ninth Circuit has scheduled a February 12, 2012 argument in another matter that I am handling (*SEC v. Gowrish* (11-16956)).

I have spoken with petitioners' counsel and he has informed me that he does not object to this request (provided that it does not otherwise interfere with this Court's ability to hear argument on an expedited basis).

If you or your staff should have any questions, please do not hesitate to call me at the number provided above.

Sincerely,

/s/ William K. Shirey
William K. Shirey
Senior Litigation Counsel