

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 3 2008

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

BRIAN P. CARR,
Plaintiff - Appellant,

V.

STATE OF OREGON; CITY OF
PORTLAND; LINDA MENG, in her
official capacity as City Attorney of the
City of Portland HARDY MYERS, in his
official capacity as Attorney General of the
State of Oregon,

Defendants - Appellees.

No. 08-35902

D.C. No. 3:08-cv-00398-HA
District of Oregon, Portland

**TIME SCHEDULE
ORDER**

The parties shall meet the following time schedule:

- Mon., December 15, 2008** Appellant/petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1;
- Thu., January 15, 2009** The brief of appellee/respondent shall be filed and served, pursuant to FRAP 32 and 9th Cir. R. 32-1

The optional appellant/petitioner reply brief shall be filed and served within fourteen days of service of the appellee/respondent's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1

Appellants/Petitioners without representation of counsel in a prisoner appeal may have their case submitted on the briefs and record without oral argument, pursuant to FRAP 34(a). Within 10 days of the filing of the appellant's opening brief, parties may file a statement setting forth the reasons why, in the opinion of the parties, oral argument should be heard.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Ruben Talavera
Deputy Clerk