

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS November 26, 2008
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

JESSE C. TRENTADUE,

Plaintiff - Appellee,

v.

FEDERAL BUREAU OF
INVESTIGATION; FEDERAL
BUREAU OF INVESTIGATION'S
OKLAHOMA CITY FIELD OFFICE,

Defendants - Appellants.

No. 08-4207

ORDER

This matter is before the court on the Unopposed Motion to Expedite Appeal (the "Motion"). The parties seek to set a briefing schedule for this appeal. The district court has now issued its notice that the record is complete for appellate purposes. As requested, the Motion is granted.

The opening brief shall be filed and served on or before December 15, 2008. The response brief shall be filed and served on or before January 14, 2008. The optional reply brief may be filed and served on or before January 29, 2008.

In light of the factual background presented in the Motion, we direct the parties to inform the court before the briefs are filed about whether they intend to seek oral argument. Argument calendars are set far in advance, and the parties

may be better able to secure an earlier argument calendar date by deciding now whether they will request oral argument. Therefore, on or before December 7, 2008, the parties must file, jointly or separately, either (1) a request for oral argument that addresses the issues presented in Federal Rule of Appellate Procedure 34 and Tenth Circuit Rule 34, or (2) a motion to waive oral argument and submit the case on the briefs. The parties should, of course, keep in mind that a judicial panel decides whether to grant argument, and even when requested, it may not be granted, and vice versa.

Finally, only the briefing schedule is affected by this order. If the parties would like to request that the case to receive expedited consideration from the judicial panel assigned to hear this case on the merits, they should file a separate motion requesting this relief.

Entered for the Court,
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith
Counsel to the Clerk