

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

13-1816

USA v. Andrew Auernheimer

2-11-cr-00470-001

BRIEFING AND SCHEDULING O R D E R

Effective December 15, 2008, the Court implemented the Electronic Case Files System. Accordingly, attorneys are required to file all documents electronically. See 3d Cir. L.A.R. 113 (2008) and the Court's CM/ECF website at www.ca3.uscourts.gov/ecfwebsite.

It is **ORDERED** that the brief for Appellant and the joint appendix shall be filed and served on or before **05/06/2013**. If the appeal is challenging a criminal sentence, four (4) copies of the Presentence Investigation Report shall be filed in sealed envelopes.

It is **FURTHER ORDERED** that the brief for Appellee shall be filed and served within twenty-one (21) days of service of Appellant's brief.

It is **FURTHER ORDERED** that a reply brief, if any, shall be filed and served within fourteen (14) days of service of Appellee's brief.

It is **FURTHER ORDERED** that Appellant must file a brief and the failure to do so may result in the imposition of sanctions. Motions to withdraw as counsel ordinarily will not be granted unless counsel has complied with the procedures set forth in 3rd Cir. LAR 109.2(a).

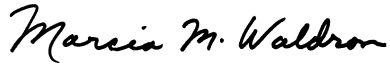
It is **FURTHER ORDERED** that if Appellee fails to file a brief within the time directed, the matter will be listed on Appellant's brief only and Appellee may be subject to such sanctions as the Court deems appropriate.

It is noted that, where applicable, parties must comply with 3rd Cir. LAR 31.2 which provides: A local, state or federal entity or agency, which was served in the district court and which is the appellee, must file a brief in all cases in which a briefing schedule is issued unless the court has granted a motion seeking permission to be excused from filing a brief. The rule does not apply to entities or agencies that are respondents to a petition for review unless the entity or agency is the sole respondent or to entities or agencies which acted solely as an adjudicatory tribunal.

This Court requires the filing of briefs by counsel in both electronic and paper format. 3rd Cir. LAR 31 .1(b) . Pro Se litigants are exempt from the electronic filing requirement. Pursuant to 3rd Cir. LAR 30.1(a), counsel must electronically file the appendix in accordance with LAR Misc. 113.

Checklists regarding the requirements for filing a brief and appendix are available on the Court's website at www.ca3.uscourts.gov.

For the Court,

A handwritten signature in black ink that reads "Marcia M. Waldron". The signature is written in a cursive, flowing style.

Marcia M. Waldron, Clerk

Date: 4/4/2013

cc: Mark E. Coyne, Esq.
Tor B. Ekeland, Esq.