

**FILED**

## UNITED STATES COURT OF APPEALS

JUN 03 2009

## FOR THE NINTH CIRCUIT

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

POWELL'S BOOKS, INC.; et al.,

Plaintiffs - Appellants,

v.

MATT SHIRTCLIFF, Baker County  
District Attorney, in his official capacity;  
et al.,

Defendants - Appellees.

Nos. 09-35153 and 09-35154

D.C. No. 3:08-cv-00501-MO  
District of Oregon,  
Portland

ORDER

Appellants' motion for leave to file a single excerpts of record and for combined oral argument is construed as a motion for consolidation of nos. 09-35153 and 09-35154. So construed, the motion is granted. *See* Fed. R. App. P. 3(b).

The consolidated opening brief is due June 5, 2009; the consolidated answering brief is due July 6, 2009; and the optional consolidated reply brief is due within 14 days after service of the consolidated answering brief.

Appellant's motion for combined oral argument is granted.

For the Court:

MOLLY C. DWYER  
Clerk of the CourtLorela Bragado-Sevillena  
Deputy ClerkNinth Circuit Rule 27-7/Advisory Note  
to Rule 27 and Ninth Circuit Rule 27-10