

**FILED**

## UNITED STATES COURT OF APPEALS

MAR 02 2009

## FOR THE NINTH CIRCUIT

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

AMERICAN CIVIL LIBERTIES UNION  
OF OREGON; CANDACE MORGAN  
PLANNED PARENTHOOD OF THE  
COLUMBIA/WILLAMETTE, INC.;  
CASCADE AIDS PROJECT,

Plaintiffs - Appellants,

and

POWELL'S BOOKS, INC.; OLD  
MULTNOMAH BOOK STORE, LTD.,  
DBA Annie Bloom's Books; DARK  
HORSE COMICS, INC.; COLETTE'S  
GOOD FOOD HUNGRY MINDS, LLC;  
BLUEJAY, INC., DBA Paulina Springs  
Books; ST. JOHN'S BOOKSELLERS,  
LLC; AMERICAN BOOKSELLERS  
FOUNDATION FOR FREE  
EXPRESSION; ASSOCIATION OF  
AMERICAN PUBLISHERS, INC.;  
FREEDOM TO READ FOUNDATION,  
INC. COMIC BOOK LEGAL DEFENSE  
FUND,

Plaintiffs,

V.

HARDY MYERS, in his official capacity  
as Attorney General of the State of  
Oregon; MATT SHIRTCLIFF, Baker  
County District Attorney, in his official  
capacity; JOHN HAROLDSON, Benton  
County District Attorney, in his official  
capacity; JOHN FOOTE, Clackamas

No. 09-35154

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

**TIME SCHEDULE  
ORDER**

County District Attorney, in his official capacity; JOSHUA MARQUIS, Clatsop County District Attorney in his official capacity; STEVE ATCHISON, Columbia County District Attorney, in his official capacity; PAUL FRASIER Coos County District Attorney, in his official capacity GARY WILLIAMS, Crook County District Attorney, in his official capacity; EVERETT DIAL, Curry County District Attorney, in his official capacity; MICHAEL DUGAN, Deschutes County District Attorney, in his official capacity; JACK BANTA, Douglas County District Attorney, in his official capacity; MARION WEATHERFORD, Gilliam County District Attorney, in his official capacity; RYAN JOSLIN, Grant County District Attorney, in his official capacity; TIM COLAHAN, Harney County District Attorney, in his official capacity; JOHN SEWELL, Hood River County District Attorney in his official capacity; MARK HUDDLESTON, Jackson County District Attorney, in his official capacity; PETER L. DEUEL Jefferson County District Attorney, in his official capacity; STEPHEN D. CAMPBELL, Josephine County District Attorney, in his official capacity; EDWIN I. CALEB, Klamath County District Attorney, in his official capacity; DAVID A. SCHUTT, Lake County District Attorney, in his official capacity; DOUGLASS HARCLEROAD, Lane County District Attorney, in his official capacity; BERNICE BARNETT, Lincoln County District Attorney, in her official capacity; JASON CARLILE, Linn County District Attorney, in his official

capacity; DAN NORRIS, Malheur County District Attorney, in his official capacity; WALTER M. BEGLAU, Marion County District Attorney, in his official capacity; ELIZABETH BALLARD, Morrow County District Attorney, in her official capacity; MICHAEL D. SCHRUNK, Multnomah County District Attorney, in his official capacity; JOHN FISHER, Polk County District Attorney, in his official capacity; WADE M. MCLEOD Sherman County District Attorney, in his official capacity WILLIAM BRYAN PORTER, Tillamook County District Attorney, in his official capacity; DEAN GUSHWA, Umatilla County District Attorney, in his official capacity; TIM THOMPSON, Union County District Attorney, in his official capacity; DANIEL OUSLEY, Wallowa County District Attorney, in his official capacity; ERIC J. NISLEY, Wasco County District Attorney, in his official capacity; ROBERT HERMANN, Washington County District Attorney, in his official capacity; THOMAS W. CUTSFORTH, Wheeler County District Attorney, in his official capacity; BRAD BERRY, Yamhill County District Attorney, in his official capacity,

Defendants - Appellees.

The parties shall meet the following time schedule:

**Tue., February 17, 2009**

Appellant/petitioner shall notify appellee/respondent of transcripts to be ordered, pursuant to 9th Cir. R. 10-3.1(a);

- Tue., February 24, 2009** Appellee/respondent shall notify appellant/petitioner of any additional transcripts needed, pursuant to 9th Cir. R. 10-3.1(b);
- Fri., March 6, 2009** Appellant/petitioner shall file transcript order form with the district court and make payment arrangements with court reporter, pursuant to 9th Cir. R. 10-3.1;
- Mon., April 6, 2009** Court reporter shall file transcript in the district court, pursuant to FRAP 11(b) and 9th Cir. R. 11-1.1;
- Fri., May 22, 2009** Appellant/petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1;
- Mon., June 22, 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