

United States Court of Appeals

FOR THE DISTRICT

No. 06-5403

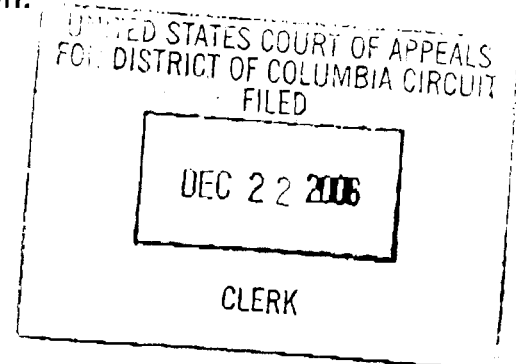
Post-it [®] Fax Note	7671	Date	12/28	# of pages	1
To	Mr. Wolfman	From	M. McNeill		
Co./Dept.		Co.			
Phone #		Phone #	202-7272		
Fax #	202-588-7795	Fax #			

Association of Community Organizations for Reform
Now, Inc., (ACORN), et al.,
Appellees

v.

Federal Emergency Management Agency, (FEMA),
Appellant

FILED ON:



BEFORE: Henderson, Randolph, and Tatel, Circuit Judges

ORDER

Upon consideration of the emergency motion for stay pending appeal and for expedition, the opposition thereto, the reply, and the Fed. R. App. P. 28(j) letter; and the motion to consolidate, it is

ORDERED that the motion to consolidate Nos. 06-5403 and 06-5412 be granted. It is

FURTHER ORDERED that the emergency motion for stay pending appeal be granted in part and denied in part. See Washington Metropolitan Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977). The provisions requiring FEMA to "immediately restore" Section 403 short-term housing assistance benefits and to pay short-term housing assistance that the applicable evacuees otherwise would have received from September 1, 2006 through November 30, 2006, are hereby stayed pending appeal. See Heckler v. Lopez, 463 U.S. 1328 (1983). These benefits already had terminated by August 31, 2006, or lapsed following the district court's denial on that date of the appellees' request for a temporary restraining order. The motion for stay pending appeal is denied in all other respects. It is

FURTHER ORDERED that the appeals be expedited. The following briefing schedule will now apply:

Appellant's Opening Brief	January 22, 2007
Joint Appendix	January 22, 2007
Appellees' Brief	February 21, 2007
Appellant's Reply Brief	March 7, 2007

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-5403

September Term, 2006


Parties are strongly encouraged to hand deliver their briefs to the Clerk's office on the due date. Filing by mail may delay the processing of the brief.

The Clerk is directed to calendar these cases for oral argument on the first appropriate date following the conclusion of briefing.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY:


MaryAnne McMain
Deputy Clerk/LD