

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 19-5331****September Term, 2020****1:19-cv-02379-KBJ****Filed On:** October 15, 2020

Committee on the Judiciary of the United  
States House of Representatives,

Appellee

v.

Donald F. McGahn, II,

Appellant

**BEFORE:** Srinivasan, Chief Judge; Henderson, Rogers, Tatel, Garland,  
Millett, Pillard, Wilkins, Katsas\*, Rao\*, and Walker, Circuit Judges

**ORDER**

Appellee's petition for rehearing en banc and the response thereto were circulated to the full court, and a vote was requested. Thereafter, a majority of the judges eligible to participate voted in favor of the petition. Upon consideration of the foregoing and the motion for invitation to file brief of *amici curiae* by former Members of Congress in support of rehearing en banc and the lodged brief *amici curiae*, it is

**ORDERED** that the motion be granted. The Clerk is directed to file the lodged document. It is

**FURTHER ORDERED** that the petition be granted. This case will be reheard by the court sitting en banc. It is

**FURTHER ORDERED** the court's judgment filed August 31, 2020, be vacated. It is

**FURTHER ORDERED** that oral argument before the en banc court be heard on Tuesday, February 23, 2021 at 9:30 a.m. It is

\* Circuit Judge Katsas and Circuit Judge Rao did not participate in this matter.

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**FURTHER ORDERED** that, in addition to filing briefs electronically, the parties file 30 paper copies of each of the briefs and the appendix, in accordance with the following schedule:

Brief for Appellant	November 16, 2020
Appendix	November 16, 2020
Briefs for Amicus Curiae in Support of Appellant, if any	November 23, 2020
Brief for Appellee	December 16, 2020
Briefs for Amicus Curiae in Support of Appellee, if any	December 23, 2020
Reply Brief for Appellant	January 11, 2021

In addition to addressing the full set of issues presented to the panel and raised by the Committee's petition for rehearing en banc, the parties are also directed to address in their briefs whether the case would become moot when the Committee's subpoena expires upon the conclusion of the 116th Congress. See *Comm. on the Judiciary, U.S. House of Representatives v. Miers*, 542 F.3d 909, 911 (D.C. Cir. 2008).

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See *D.C. Circuit Handbook of Practice and Internal Procedures* 42-43 (2019); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

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Because the briefing schedule is keyed to the date of argument, the court will grant requests for extension of time limits only for extraordinarily compelling reasons.

**Per Curiam****FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk