



Office of the Clerk
United States Court of Appeals for the Ninth Circuit
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Molly C. Dwyer
Clerk of Court

November 23, 2016

No.: 16-56754
D.C. No.: 2:16-cv-08432-R-E
Short Title: John Birke v. The 538 Individual Members

Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.

Payment of the \$505 docketing and filing fees is past due. Failure to correct this deficiency **within 14 days** will result in the dismissal of this case for failure to prosecute. See 9th Cir. R. 42-1. The fee is payable to the District Court.

Appellants who are filing pro se should refer to the accompanying information sheet regarding the filing of informal briefs.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 23 2016

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

JOHN S. BIRKE, an individual,

Plaintiff - Appellant,

v.

THE 538 INDIVIDUAL MEMBERS
OF THE ELECTORAL COLLEGE,

Defendant - Appellee.

No. 16-56754

D.C. No. 2:16-cv-08432-R-E
U.S. District Court for Central
California, Los Angeles

TIME SCHEDULE ORDER

The parties shall meet the following time schedule.

Fri., March 3, 2017

Appellant's opening brief and excerpts of record
shall be served and filed 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. See 9th Cir. R. 42-1.**

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Jennifer Nidorf
Deputy Clerk
Ninth Circuit Rule 27-7