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13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**

17 \_\_\_\_\_ )  
 CAROLYN JEWEL, TASH HEPTING, )  
 18 GREGORY HICKS, ERIK KNUTZEN, and )  
 JOICE WALTON, )  
 19 *Plaintiffs,* )  
 20 )  
 v. )  
 21 )  
 NATIONAL SECURITY AGENCY (“NSA”); )  
 22 KEITH B. ALEXANDER, Director of the NSA; )  
 UNITED STATES OF AMERICA; )  
 23 BARACK OBAMA, President of the United )  
 States; UNITED STATES DEPARTMENT OF )  
 24 JUSTICE; ERIC HOLDER, Attorney General )  
 of the United States; DENNIS C. BLAIR, )  
 25 Director of National Intelligence. )  
 )  
 26 *Government Defendants* )  
*Sued in Their Official Capacity.* )  
 27 \_\_\_\_\_ )

Case No. C:08-cv-4373-VRW  
**EXHIBIT 2 TO**  
**NOTICE OF ORDER BY**  
**COURT OF APPEALS GRANTING**  
**REHEARING EN BANC IN**  
**MOHAMED V. JEPPESEN**  
**DATAPLAN, INC.**

Chief Judge Vaughn R. Walker

**FILED**

**NOT FOR PUBLICATION**

OCT 27 2009

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

**BINYAM MOHAMED; ABOU  
ELKASSIM BRITEL; AHMED  
AGIZA; MOHAMED FARAG AHMAD  
BASHMILAH; BISHER AL-RAWI,**

Plaintiffs - Appellants,

v.

**JEPPESEN DATAPLAN, INC.,**

Defendant - Appellee,

**UNITED STATES OF AMERICA,**

Intervenor - Appellee.

No. 08-15693

D.C. No. 5:07-CV-02798-JW

**ORDER**

**KOZINSKI**, Chief Judge:

En banc oral argument will take place during the week of December 14, 2009, in San Francisco, California. The date and time will be determined by separate order. For further information or special requests regarding scheduling, please contact Deputy Clerk Paul Keller at [paul\\_keller@ca9.uscourts.gov](mailto:paul_keller@ca9.uscourts.gov) or (415) 355-8026.

Within seven days from the date of this order, the parties shall forward to the Clerk of Court thirty additional paper copies of the original briefs and excerpts of record.