

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

SEP 25 2019

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DUNCAN D. HUNTER,

Defendant-Appellant.

No. 19-50242

D.C. No. 3:18-cr-03677-W-1  
Southern District of California,  
San Diego

ORDER

Before: WARDLAW, NGUYEN, and HURWITZ, Circuit Judges.

Hunter's motion to file an oversized brief (Docket Entry No. 6) is GRANTED.

The government's motion to file a declaration with attachments under seal (Docket Entry No. 10) is GRANTED. The Clerk will file the document, and the motion to seal itself, under seal.

The government's motion to set an expedited briefing schedule (Docket Entry No. 2) is GRANTED. The briefs addressing the government's motion to dismiss are treated as briefs on the merits. In addition, the parties may file simultaneous supplemental briefs not to exceed 20 pages within 14 days.

We defer consideration of whether this court has jurisdiction over this appeal until the case is heard on the merits. *See United States v. Brewster*, 408 U.S. 501, 504 (1972).

This case will be placed on a December argument calendar. *See* 9th Cir. Gen. Ord. 3.3(g).