

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 11 2021

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

ANDREW NAMIKI ROBERTS,

Plaintiff-Appellant,

v.

AL CUMMINGS, in his Official Capacity as  
the State Sheriff Division Administrator;  
CLARE E. CONNORS, in her Official  
Capacity as the Attorney General of the  
State of Hawaii,

Defendants-Appellees,

and

SUSAN BALLARD, in her Official  
Capacity as the Chief of Police of Honolulu  
County,

Defendant.

No. 21-15562

D.C. No. 1:18-cv-00125-HG-RT  
District of Hawaii, Honolulu

ORDER

Before: SCHROEDER and HURWITZ, Circuit Judges.

Appellant's motion for summary reversal (Docket Entry No. 2) is denied without prejudice to renewing the arguments in the opening brief. *See* 9th Cir. R. 3-6(a)(1).

The opening brief and excerpts of record are due September 14, 2021. The answering brief is due October 14, 2021. The optional reply brief is due within 21 days after service of the answering brief.

In addition to all other issues the parties wish to raise in their briefs, the parties shall address the basis for this court’s jurisdiction under 28 U.S.C. § 1291. *See Blue Cross & Blue Shield of Ala. v. Unity Outpatient Surgery Ctr., Inc.*, 490 F.3d 718, 724 (9th Cir. 2007). The parties shall also address the extent to which any live controversy remains in this action following the State of Hawaii’s repeal of Haw. Rev. Stat. § 134-16. *See Bd. of Trustees of Glazing Health & Welfare Tr. v. Chambers*, 941 F.3d 1195, 1197-99 (9th Cir. 2019) (discussing principles for evaluating “whether the repeal, amendment, or expiration of legislation renders a lawsuit challenging the legislation moot”).