

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JAN 27 2021

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

CAROLYN JEWEL; et al.,

Plaintiffs-Appellants,

v.

NATIONAL SECURITY AGENCY; et al.,

Defendants-Appellees.

No. 19-16066

D.C. No. 4:08-cv-04373-JSW  
Northern District of California,  
Oakland

ORDER

Before: McKEOWN, GOULD, and BEA, Circuit Judges.

On December 24, 2020, the government filed a letter informing the court that, on December 17, 2020, it filed a petition for a writ of certiorari in *Fazaga v. Federal Bureau of Investigation*, 965 F.3d 1015 (9th Cir. 2020). Dkt. No. 82. In its letter, the government asserted that “*Fazaga* was wrongly decided, and if the Supreme Court were to grant further review and reverse in relevant part, that would provide an additional and independent basis for affirmance here.” *Id.*

Jewel is ordered to file a response to the government’s December 24 letter by February 5, 2021. In her response, Jewel should address whether this appeal should be withdrawn from submission pending the Supreme Court’s resolution of the petition for certiorari filed in *Fazaga*.