

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 04-7041

September Term, 2005

03cv00213

Filed On: November 2, 2005 [929164]

Shelly Parker, et al.,  
Appellants

v.

District of Columbia,  
Appellee

**BEFORE:** Henderson, Randolph, and Brown, Circuit Judges

## **ORDER**

Upon consideration of the initial motion to issue a briefing schedule and set oral argument on the merits, the opposition thereto and motion for summary affirmance, the reply to the opposition to the initial motion and opposition to the motion for summary affirmance, the reply to the opposition to the motion for summary affirmance, the second motion to issue a briefing schedule and set oral argument on the merits, the opposition thereto, the reply, the motion to remand with instructions to dismiss or, alternatively, for summary affirmance, the opposition thereto, and the reply, it is

**ORDERED** that the motion for summary affirmance and the motion to remand with instructions to dismiss or, alternatively, for summary affirmance be denied. The merits of the parties' positions are not so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). It is

**FURTHER ORDERED** that the motions to issue a briefing schedule and set oral argument on the merits be granted. The Clerk is instructed to calendar this case for presentation to a merits panel, and the parties are instructed to address both standing and the merits of the case in their briefs.

**Per Curiam**