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**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 06-5295**

**September Term, 2006**

**06cv01607**

**Filed On: October 4, 2006** [995779]

Action Alliance of Senior Citizens, et al.,  
Appellees

v.

Michael O. Leavitt, Secretary of Department of Health  
and Human Services,  
Appellant

**BEFORE:** Rogers, Griffith, and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of the emergency motion for stay pending appeal and for temporary stay pending the court's consideration and the opposition thereto, it is

**ORDERED** that the emergency motion for stay pending appeal be granted, and that the district court's order filed September 27, 2006 be stayed pending resolution of this appeal. See Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); Virginia Petroleum Jobbers Association v. FPC, 259 F.2d 921 (D.C. Cir. 1958). It is

**FURTHER ORDERED**, on the court's own motion, that the following briefing schedule shall apply:

Appellant's Opening Brief and Appendix	November 3, 2006
Appellees' Brief	December 4, 2006
Appellant's Reply Brief	December 14, 2006

The Clerk is directed to schedule this appeal for oral argument on the first appropriate date on the court's January 2007 calendar.

**Per Curiam**