

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 18 2020

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

SUZANNE SISLEY, M.D.; et al.,

Petitioners,

v.

U.S. DRUG ENFORCEMENT
ADMINISTRATION; et al.,

Respondents.

No. 20-71433

DEA No.DEA-427
Drug Enforcement Agency

ORDER

Before: McKEOWN and BRESS, Circuit Judges.

The government's motion to dismiss this petition for review for failure to exhaust administrative remedies (Docket Entry No. 11) is denied without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

Petitioner's opening brief is due September 29, 2020; the government's answering brief is due October 29, 2020; the optional reply brief is due 21 days after service of the answering brief.