

FILED

JUL 15 2019

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

JONEE FONSECA, an individual parent  
and guardian of I.S., a minor and LIFE  
LEGAL DEFENSE FOUNDATION,

Plaintiffs-Appellants,

v.

KAREN SMITH, M.D. in her official  
capacity as Director of the California  
Department of Public Health and DOES,  
2 through 10, inclusive,

Defendants-Appellees.

No. 17-17153

D.C. No. 2:16-cv-00889-KJM-EFB  
Eastern District of California,  
Sacramento

ORDER

Before: WALLACE, CLIFTON, and FRIEDLAND, Circuit Judges.

Appellants are directed to file a supplemental brief not to exceed 7,000 words, within twenty-one days from the date of this order, addressing:

- 1) Whether Appellant Jonee Fonseca's claims are moot in light of counsel's admission that an amended death certificate may not affect her likelihood of receiving government benefits or additional insurance coverage. *See* Oral Argument at 12:30-13:30; *id.* at 16:40-17:08; and

- 2) Whether the court should alternatively affirm on the basis that Appellants failed to state a claim upon which relief can be granted. *See* Fed. R. Civ. P. 12(b)(6).

Appellee is directed to file a responsive brief not to exceed 7,000 words within fourteen days from the date of the filing of Appellants' brief.

Appellants may file a reply brief not to exceed 3,000 words within fourteen days from the date of the filing of Appellee's brief.

All briefs shall conform to the format requirements of Rule 32(a)(1)-(6) of the Federal Rules of Appellate Procedure. The parties shall file the supplemental briefs electronically via ECF.