

FILED

AUG 24 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: NATIONAL SECURITY LETTER,

No. 13-15957

UNDER SEAL,

D.C. No. 3:11-cv-02173-SI

Petitioner - Appellee,

ORDER

v.

LORETTA E. LYNCH, Attorney General;
et al.,

Respondents - Appellants.

In re: NATIONAL SECURITY LETTER,

No. 13-16731

UNDER SEAL,

D.C. No. 3:13-mc-80089-SI

Petitioner - Appellant,

v.

LORETTA E. LYNCH, Attorney General;
et al.,

Respondents - Appellees.

In re: NATIONAL SECURITY LETTER,

UNDER SEAL,

Petitioner - Appellant,

v.

LORETTA E. LYNCH, Attorney General;
et al.,

Respondents - Appellees.

No. 13-16732

D.C. No. 3:13-cv-01165-SI
Northern District of California,
San Francisco

ORDER

Appeal from the United States District Court
for the Northern District of California
Susan Illston, Senior District Judge, Presiding

Argued and Submitted October 8, 2014
San Francisco, California

Before: IKUTA, N.R. SMITH, and MURGUIA, Circuit Judges.

These consolidated appeals were submitted for decision following oral argument on October 8, 2014. On June 2, 2015, while these appeals were pending, Congress amended 18 U.S.C. § 2709 and 18 U.S.C. § 3511, the statutes at issue in these appeals. *See* USA FREEDOM Act of 2015, Pub. L. No. 114-23, 129 Stat. 268 (2015). In light of the significant changes to the statutes, we conclude that a remand to the district court is appropriate so the district court may address the recipients' challenges to the revised statutes. *See Doe v. Gonzales*, 449 F.3d 415,

419 (2d Cir. 2006) (per curiam); *see also Fusari v. Steinberg*, 419 U.S. 379, 387, 390 (1975); *Coral Constr. Co. v. King Cty.*, 941 F.2d 910, 928 (9th Cir. 1991).

We therefore VACATE the district court's judgments in cases 13-15957, 13-16731, and 13-16732. We REMAND to the district court for further proceedings in each of these cases.¹

¹Each party shall bear its own costs on appeal.