

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-8011

September Term 2008

1:96-cv-01285-JR

Filed On: November 18, 2008

In re: Elouise Pepion Cobell, et al.,

Petitioners

Consolidated with 08-8013

BEFORE: Henderson, Randolph, and Rogers, Circuit Judges

ORDER

Upon consideration of the plaintiffs' petition for permission to appeal pursuant to 28 U.S.C. § 1292(b), the defendants' response thereto and petition for permission to appeal pursuant to 28 U.S.C. § 1292(b), the plaintiffs' reply in support of their petition and opposition to the defendants' petition, and the defendants' reply in support of their petition, it is

ORDERED that the petitions for permission to appeal be granted. See 28 U.S.C. § 1292(b). Approval of the petitions is without prejudice to reconsideration by the merits panel. The Clerk is directed to transmit a certified copy of this order to the district court. The district court will file the order as a notice of appeal for the plaintiffs and as a notice of appeal for the defendants pursuant to Fed. R. App. P. 5 and collect the mandatory docketing fee from the plaintiffs. Upon payment of the fee, the district court is to certify and transmit the preliminary records to this court, after which the cases will proceed in the normal course.

Per Curiam