

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-5281

September Term, 2014

1:14-cv-01243-RMC

Filed On: January 30, 2015

Laura Holmes and Paul Jost,

Appellants

v.

Federal Election Commission,

Appellee

BEFORE: Garland, Chief Judge, and Henderson, Rogers, Tatel, Brown, Griffith, Kavanaugh, Srinivasan, Millett, Pillard, and Wilkins, Circuit Judges

ORDER

Upon consideration of the motion of the Federal Election Commission for remand, the opposition thereto, and the reply, it is

ORDERED, on the court's own motion, that this case be removed from the March 30, 2015 oral argument calendar. It is

FURTHER ORDERED that the motion be granted and this case is hereby remanded to the district court. The court grants the motion to remand this 52 U.S.C. § 30110 (formerly 2 U.S.C. § 437h) case in order to provide the parties an opportunity to develop, by expedited discovery or otherwise, the factual record necessary for en banc review of the plaintiffs' constitutional challenge. See *Cal. Med. Ass'n v. FEC*, 453 U.S. 182, 192 n.14 (1981); *Wagner v. FEC*, 717 F.3d 1007, 1009 (D.C. Cir. 2013). It is

FURTHER ORDERED that the district court shall complete the functions mandated by § 30110 and described in *Wagner v. FEC*, 717 F.3d at 1009, including the development of a record for appellate review, by April 24, 2015. The district court is to certify any constitutional question(s) by that date as well.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to transmit to the district court a copy of this order in lieu of formal mandate.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk
BY: /s/
Michael C. McGrail
Deputy Clerk