

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-5365**September Term, 2012****1:11-cv-01841-JEB****Filed On: May 3, 2013**

Wendy E. Wagner, et al.,

Appellants

v.

Federal Election Commission,

Appellee

BEFORE: Henderson and Griffith, Circuit Judges; Ginsburg, Senior Circuit Judge

ORDER

It is **ORDERED**, on the Court's own motion, that the parties file supplemental briefs addressing whether 2 U.S.C. § 437h vests the *en banc* court of appeals with exclusive original jurisdiction to hear a constitutional challenge to the provisions of the Federal Election Campaign Act of 1971, 2 U.S.C. § 431 *et seq.* Compare *Bread Political Action Comm. v. FEC*, 455 U.S. 577, 585 (1982), with *Int'l Ass'n of Machinists & Aerospace Workers v. FEC*, 678 F.2d 1092, 1095 n.3 (D.C. Cir. 1982) (per curiam) (en banc), and *FEC v. Lance*, 617 F.2d 365, 374 (5th Cir. 1980). The supplemental briefs may not exceed ten pages and are to be filed by 12:00 noon on Friday, May 10, 2013. In addition to electronic filing, the parties are directed to deliver paper copies of the supplemental briefs to the Court by the time and date due.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Cheri Carter
Deputy Clerk