

FILED

UNITED STATES COURT OF APPEALS

JAN 24 2014

FOR THE NINTH CIRCUIT

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

KONIAG, INC., an Alaska corporation,
and MICHAEL P. O'CONNELL,

Plaintiffs - Appellees,

v.

KURT KANAM, individually and as
Tribal Attorney for the Native Village of
Karluk, and ORBIE MULLINS,
individually and as Village of Karluk
Tribal Court Judge for the Karluk Tribal
Court for the Native Village of Karluk,

Defendants - Appellants.

No. 13-35759

D.C. No. 3:12-cv-00077-SLG

District of Alaska,
Anchorage

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

On September 12, 2013, this court issued an order to show cause regarding jurisdiction because appellants' August 19, 2013 notice of appeal did not challenge any final or appealable orders and did not appear to challenge the district court's July 29, 2013 order granting a permanent injunction. On September 26, 2013, appellants filed a "notice of amended appeal" and answer to the order to show cause in which they state that they are appealing from the district court's July 29, 2013 order granting a permanent injunction. This amended notice of appeal

appears to be timely filed because appellants' June 3, 2013 cross-complaint names a federal party to the underlying action. *See* 28 U.S.C. § 2107(b); *see also* Fed. R. App. P. 4(a)(1)(B), (d). Accordingly, the September 12, 2013 order to show cause is discharged. This appeal shall proceed.

The opening brief is due February 28, 2014; the answering brief is due April 2, 2014; and the optional reply brief is due within 14 days after service of the answering brief.