

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 82-1229

September Term 1984

Harold Weisberg

Civil Action 75-01996

v.

United States Department of Justice
Appellant

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 4 1985

And Consolidated Nos. 82-1274, 83-1722 and 83-1764

BEFORE: Mikva, Bork and Starr, Circuit Judges

GEORGE A. FISHER
CLERK

ORDER

IT IS ORDERED by the court, sua sponte, that the parties are hereby directed to brief two issues with respect to this court's jurisdiction under the Tucker Act, 28 U.S.C. §§ 1346(a)(2), 1295(a)(2):

(1) Whether this court has jurisdiction over appellant's FOIA claims, decided in Part II A in the panel opinion, when jurisdiction in the District Court was based, in part, on an alleged contract with the United States. The parties are directed specifically to address this court's jurisdiction vel non in light of the provisions conferring jurisdiction on the United States Court of Appeals for the Federal Circuit over appeals of suits based "in whole or in part" on contracts with the United States, 28 U.S.C. § 1295(a)(2). The parties are also directed to address the effects of the filing dates of the various consolidated appeals relative to the effective date of the statute enacting § 1295;

(2) Assuming that the answer to the foregoing question is in the affirmative, whether the court has jurisdiction over the contract and promissory estoppel claims decided in Part II B of the panel opinion, based upon pendent jurisdiction or any other branch of jurisdiction.

No other issues shall be addressed by the parties.

The initial submissions shall be filed no later than February 25, 1985, with any reply to be filed no later than March 7, 1985.

Per Curiam
For the Court
George A. Fisher
George A. Fisher
Clerk