



**REVISED NEWS RELEASE**

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## **Ninth Circuit Court of Appeals to Offer Remote Viewing of En Banc Proceedings**

**SAN FRANCISCO** – The United States Court of Appeals for the Ninth Circuit will provide for remote viewing of en banc court proceedings scheduled for September 18-19, 2013, in Courtroom One of the James R. Browning U.S. Courthouse, 95 7<sup>th</sup> St., San Francisco.

En banc courts, which consist of 11 judges rather than the normal three-judge appellate panel, are used to resolve intra-circuit case conflicts and legal questions deemed by the court to be of exceptional importance. Less than 20 cases per year typically receive en banc review.

The three appeals to be heard in San Francisco involve prisoner health care; the legality of water distribution practices on the California delta smelt; and a jury conviction for marijuana possession with intent to distribute. More information is provided below.

A live video and audio feed from the proceedings in the San Francisco courthouse will be delivered via electronically secure means to the following Ninth Circuit courthouses:

**Richard H. Chambers**  
U.S. Courthouse  
125 South Grand Ave.  
Pasadena, California  
Mezzanine Room

**The Pioneer Courthouse**  
700 SW Sixth Avenue  
Portland, Oregon  
Pioneer Courtroom

**William K. Nakamura**  
U.S. Courthouse  
1010 Fifth Avenue  
Seattle, Washington  
En Banc Courtroom, 8<sup>th</sup> Floor

Public access to the remote viewing locations will be on a first-come-first-served basis. No photographs or recording/transmission of the audio and video displayed at the remote viewing locations will be allowed. Proper decorum is expected.

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**NINTH CIRCUIT EN BANC COURTS**  
**SAN FRANCISCO, CALIFORNIA**  
**September 18-19, 2013**

**September 18**

**10:00 a.m.**

*Peralta v. Dillard, 09-55907*

California state prisoner Cion Peralta appeals from the Central California district court's directed verdict and judgment following a jury verdict in his action alleging deliberate indifference to medical needs in connection with his dental care.

**September 19**

**10:00 a.m.**

*NRDC v. Salazar, 09-17661*

The Natural Resources Defense Council and other plaintiff environmental groups appeal the Eastern California district court's judgment in May 2007 that the 2005 Operations Criteria and Plan Biological Opinion regarding the effects of Central Valley Project operations on the delta smelt was unlawful. The CVP delivers 7 million acre-feet of water to California water users, diverting water from the Sacramento and San Joaquin River systems. After consultation with the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service issued a new opinion in December 2008. Plaintiffs allege that the invalidity of the 2005 BiOp rendered unlawful the execution and implementation of water service contracts for the Delta-Mendota Canal Unit of CVP which were renewed in 2005.

**2:00 p.m.**

*United States v. Maloney, 11-50311*

John Maloney appeals his jury conviction of possession of 500 kilograms or more of marijuana with intent to distribute.

The Ninth Circuit Court of Appeals hears appeals of cases decided by executive branch agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court normally meets monthly in Seattle, San Francisco, and Pasadena; every other month in Portland, Oregon; three times per year in Honolulu, Hawaii; and twice a year in Anchorage, Alaska. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.

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