

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-5359

September Term, 2006

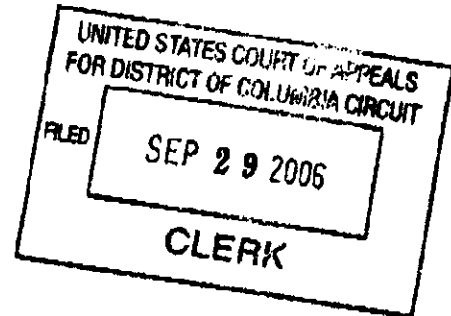
04cv01211

We The People Foundation, Inc., et al.,
Appellants

v.

United States of America, et al.,
Appellees

Filed On:



BEFORE: Ginsburg, Chief Judge, and Rogers and Kavanaugh, Circuit Judges

ORDER

It is **ORDERED**, on the court's own motion, that the parties be prepared to address the following question at oral argument:

Does Steel Company v. Citizens for a Better Environment, 523 U.S. 83 (1998), require this court to determine whether the federal government has waived its sovereign immunity with respect to appellant's claims before the court assesses the merits of those claims? Compare In re Sealed Case, 192 F.3d 995, 1000-01 (D.C. Cir. 1999), United States ex rel. Long v. SCS Bus. & Technical Inst., Inc., 173 F.3d 890, 898 (D.C. Cir. 1999); Hwang Geum Joo v. Japan, 413 F.3d 45, 47-48 (D.C. Cir. 2005); Nair v. Oakland County Cmty. Mental Health Auth., 443 F.3d 469, 476 (6th Cir. 2006), with Kalodner v. Abraham, 310 F.3d 767, 769 (D.C. Cir. 2002); In re Minister Papandreou, 139 F.3d 247, 254-55 (D.C. Cir. 1998).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY:

Linda Jones
Deputy Clerk