

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 17 2017

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

CONSUMER FINANCIAL PROTECTION
BUREAU,

Plaintiff-Respondent,

v.

DAVIT GASPARYAN, AKA David
Gasparyan,

Defendant-Petitioner.

No. 17-80051

D.C. No.

2:16-cv-02725-PSG-E

Central District of California,
Los Angeles

ORDER

Before: REINHARDT and NGUYEN, Circuit Judges.

Petitioner's request to file a reply in support of the petition for permission to appeal (Docket Entry No. 6) is granted. The reply has been filed.

The petition for permission to appeal pursuant to 28 U.S.C. § 1292(b) is granted. Within 14 days after the date of this order, petitioner shall perfect this appeal in accordance with Federal Rule of Appellate Procedure 5(d).

The parties' briefs shall address the following issues: (i) does the structure of the Consumer Financial Protection Bureau ("CFPB") violate Article II of the Constitution; (ii) if the structure of the CFPB is unconstitutional, what is the proper remedy for this constitutional defect? The parties' briefs may also address any other issue "fairly included" within the district court's November 17, 2016 order.

See Lee v. American Nat. Ins. Co., 260 F.3d 997, 1000 (9th Cir. 2001); *cf. Reese v.*

BP Exploration (Alaska) Inc., 643 F.3d 681, 689-90 (9th Cir. 2011) (merits panel may decline to entertain questions not certified by the district court).

Respondent's request for permission to file a conditional cross-petition is denied as unnecessary.