

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 11-7088**

**September Term 2011**

**1:11-cv-00477-RJL**

**Filed On:** February 6, 2012

Shirley Sherrod,

Appellee

v.

Andrew Breitbart and Larry O'Connor,

Appellants

**BEFORE:** Rogers, Garland, and Brown, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, or in the alternative, for summary affirmance, the corrected response thereto, and the reply; the Rule 28(j) letters and the responses thereto; and the motion of Public Citizen, Inc. to participate as amicus curiae, it is

**ORDERED**, on the court's own motion, that the record be remanded to the district court for a statement of reasons for the denial of appellants' motion to dismiss pursuant to the District of Columbia's Anti-Strategic Lawsuits Against Public Participation statute, D.C. Code § 16-5502. The district court is requested to return the record to this court promptly upon the issuance of its statement of reasons. It is

**FURTHER ORDERED** that consideration of the motion to dismiss, or alternatively, for summary affirmance be deferred pending further order of this court. It is

**FURTHER ORDERED** that the motion to participate as amicus curiae be granted.

The Clerk is directed to transmit to the district court a copy of this order.

**Per Curiam**