

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5082**September Term, 2017****1:15-cv-01112-TSC****Filed On:** October 31, 2017

Estate of Earnest Lee Boyland, et al.,

Appellants

v.

United States Department of Agriculture, et
al.,

Appellees

BEFORE: Henderson, Kavanaugh, and Millett, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the opposition thereto, and the reply, it is

ORDERED that the motions for summary affirmance be denied. The merits of the parties' positions are not so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). It is

FURTHER ORDERED that appellants and federal appellees, while not otherwise limited, address in their briefs whether the dismissal of the appellants' constitutional claims may be affirmed on the ground that the appellants failed to state a claim. It is

FURTHER ORDERED that appellants and Epiq Class Action & Claims Solutions, Inc., while not otherwise limited, address in their briefs 1) appellants' standing to bring their claims under 42 U.S.C. § 2000d, and 2) whether the scope of the term "Federal financial assistance" in 42 U.S.C. § 2000d encompasses compensation under contracts to perform services for the federal government.

Because the court has determined that summary disposition is not in order, the Clerk is instructed to calendar this case for presentation to a merits panel.

Per Curiam