

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of January, two thousand and sixteen,

Before: Dennis Jacobs,
Pierre N. Leval
Richard C. Wesley
Circuit Judges.

American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace,

Plaintiffs - Appellees,

v.

United States Department of Defense, and its
Components Department of Army, Department of Navy,
Department of Air Force, Defense Intelligence Agency,
United States Department of the Army,

Defendants - Appellants,

United States Department of Health and Human Services,
Department of State, Federal Bureau of Investigation,
Central Intelligence Agency, United States Department of
Justice, and its Components Civil Rights Division,
Criminal Division, Office of Information and Privacy,
Office of Intelligence, Policy and Review, Federal
Bureau of Investigation,

Defendants.

CORRECTED ORDER
Docket No. 15-1606

The Department of Defense seeks to remand this appeal on the basis of changed circumstances - namely that the 2012 Certification, on which the present appeal is based, has been superseded by a 2015 Certification pursuant to the Protected National Security Documents Act of 2009 ("PNSDA"). The 2015 Certification does not bear upon every issue raised on appeal;

but it has the potential to obviate many of the issues cited by the district court in granting relief. It is therefore prudent to allow the district court to consider the 2015 Certification before we render any decision.

Accordingly, the motion to remand is GRANTED and the judgment of the district court is VACATED and REMANDED so that the district court may consider the 2015 Certification.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

 Catherine O'Hagan Wolfe