

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 20-1525****September Term, 2020**

FDA-07/21/2020 Letter

FDA-09/09/2020 Letter

Filed On: June 30, 2021

Nostrum Laboratories, Inc.,

Petitioner

v.

United States Food and Drug Administration,

Respondent

**BEFORE:** Wilkins and Rao, Circuit Judges**ORDER**

Upon consideration of the motion to dismiss, the opposition thereto, and the reply; the motion to govern, which includes a request to strike respondent's letter submitted March 16, 2021, the opposition thereto, and the reply; and the unopposed motion for leave to file under seal and the sealed supplement, it is

**ORDERED** that the motion for leave to file under seal be granted. The Clerk is directed to maintain the supplement under seal. It is

**FURTHER ORDERED** that the request to strike be denied. It is

**FURTHER ORDERED** that the motion to dismiss be referred to the merits panel to which this petition for review is assigned. The parties are directed to address in their briefs the issues presented in the motion to dismiss rather than incorporate those arguments by reference. It is

**FURTHER ORDERED** that respondent file the certified index to the administrative record within 30 days of the date of this order.

The Clerk is directed to enter a briefing schedule.

**Per Curiam****FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro  
Deputy Clerk