United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-5151 **September Term, 2015**

1:11-cv-01303-RMC

Filed On: March 17, 2016

State of Texas,

Appellant

v.

United States of America, et al.,

Appellees

BEFORE: Millett and Pillard, Circuit Judges; Sentelle, Senior Circuit Judge

O R D E R

Upon consideration of the joint motion of intervenors-appellees Wendy Davis, et al., for appellate attorneys' fees, the response thereto, and the reply; the supplemental joint motion of intervenors-appellees Wendy Davis, et al., for appellate attorneys' fees and costs, the response thereto, and the reply, it is

ORDERED that the motions be remanded to the district court. The motions and accompanying responses raise fact questions about the appropriate rates and hours for the appellate work done by intervenors' counsel. Accordingly, "[t]he calculation of the amount of the appellate attorneys' fee award can best be made by the district court." *Westmoreland v. CBS, Inc.*, 770 F.2d 1168, 1179 (D.C. Cir. 1985) (citing *Perkins v. Standard Oil*, 399 U.S. 222 (1970) (per curiam)); *see also Salazar ex rel. Salazar v. District of Columbia*, 809 F.3d 58, 63 (D.C. Cir. 2015) (noting district court's discretion and factual expertise on fee awards).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk