

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

In re DONALD J. TRUMP, in his official
capacity as President of the United
States,

Petitioner.

No. 18-2486

**MOTION FOR A STAY OF BRIEFING
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of briefing in the above-captioned case.

1. On December 20, 2018, this Court granted a stay of district court proceedings pending this Court's resolution of the President's mandamus petition. This Court set this case for oral argument during the March 2019 term and set a briefing schedule, with the President's opening brief due on January 22, 2019.

2. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

3. Absent an appropriation, Department of Justice attorneys and employees are prohibited from working, even on a voluntary basis, except in very

limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4. Undersigned counsel for the Department of Justice therefore requests a stay of briefing on the President’s mandamus petition until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

6. We contacted counsel for the District of Columbia and Maryland, who authorized us to state that the District and Maryland take no position on this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of briefing in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted.

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/s/ Megan Barbero

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DECEMBER 2018

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the requirements of Fed. R. App. P. 27(d)(1) because it has been prepared in 14-point Garamond, a proportionally spaced font. I further certify that this motion complies with the type-volume limitation on Fed. R. App. P. 27(d)(2)(A) because it contains 293 words according to the count of Microsoft Word.

/s/ Megan Barbero
MEGAN BARBERO

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2018, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Megan Barbero

MEGAN BARBERO