NO. 18-2486

United States Court of Appeals
for the
Fourth Circuit

In re: DONALD J. TRUMP, President of the United States of America, in his official capacity and in his individual capacity,

Petitioner.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND AT GREENBELT IN CASE NO. 8:17-CV-01596-PJM
PETER J. MESSITTE, SENIOR U.S. DISTRICT JUDGE

BRIEF OF *AMICI CURIAE* SCHOLAR SETH BARRETT TILLMAN AND THE JUDICIAL EDUCATION PROJECT IN SUPPORT OF PETITIONER

CARRIE SEVERINO, ESQ.
(*Admission Pending*)
JUDICIAL EDUCATION PROJECT
3220 N. Street, N.W.
Washington, D.C. 20007
(571) 357-3134

Counsel for Amicus Curiae Judicial Education Project

JAN I. BERLAGE, ESQ.
GOHN HANKEY & BERLAGE LLP
201 North Charles Street
Suite 2101
Baltimore, Maryland 21201
(410) 752-1261

Counsel for Amici Curiae

ROBERT W. RAY, ESQ.
THOMPSON & KNIGHT LLP
900 Third Avenue, 20th Floor
New York, New York 10022
(212) 751-3001

– and –

JOSH BLACKMAN, ESQ.
(*Admission Pending*)
1303 San Jacinto Street
Houston, Texas 77002
(202) 294-9003

Counsel for Amicus Curiae Scholar Seth Barrett Tillman

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Interest of Amici

Scholar Seth Barrett Tillman, an American national, is a member of the regular full time faculty in the Maynooth University Department of Law, Ireland.[1] Tillman is one of a very small handful of academics who has written extensively on the Constitution's "office"-language, including the Foreign Emoluments Clause. Since 2008, Tillman has consistently written that the Constitution's "Office . . . under" the United States language, the language in the Foreign Emoluments Clause, does not encompass the presidency. Tillman was also the first scholar to write that Emoluments Clauses claims could not be brought against President Trump in his official capacity.[2] Tillman has taught equity and remedies for 8 academic years.

The Judicial Education Project (JEP) is dedicated to strengthening liberty and justice through defending the Constitution as envisioned by the Framers—a federal government of defined and limited power, dedicated to the rule of law, and supported by a fair and impartial judiciary. JEP educates citizens about these constitutional principles and focuses on issues such as the judiciary's role in our democracy, how judges interpret the Constitution, and the impact of court rulings on the nation.

The Appellants and Appellee consented to the filing of this brief.

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[1] No party's counsel authored this brief in whole or in part; and no person other than the *amici* and their counsel—including any party or party's counsel—contributed money that was intended to fund the preparation or submission of this brief.

[2] Seth Barrett Tillman, *The Emoluments Clauses Lawsuits's Weak Link: The Official Capacity Issue*, Yale J. of Reg. Notice & Comment (Aug. 15, 2017), http://perma.cc/759Y-CC2R.

Introduction

This appeal presents a case of mistaken identities. Initially, Plaintiffs sued the President in his official capacity. However, *Amici* noted this case did not involve any government policy or custom. Therefore, the complaint lacked any procedurally proper official-capacity claims. Subsequently, at the express urging of the District Court judge, Plaintiffs amended their complaint and also sued the President in his individual capacity. *Amici* pointed out below that the purported torts were not committed under the color of law. Furthermore, no cause of action exists to permit an individual-capacity suit. Plaintiffs recognize this shortcoming, and have alleged a third, independent basis for their suit: equity. However, the federal court's equitable jurisdiction does not provide Plaintiffs with a cause of action.

Throughout this entire litigation, Plaintiffs have straddled the line between official-capacity, individual-capacity, and equitable suits. None of these approaches provides any basis for relief. *Amici* seek to bring doctrinal clarity to a neglected aspect of this case: causes of action for constitutional torts by federal actors.

First, Plaintiffs have only complained of quintessentially private conduct taken by Donald Trump. The President in his official capacity—that is the sovereign, the United States—did not cause the purported constitutional torts. Because the President in his official capacity did not cause these torts, he cannot redress Plaintiffs' alleged injuries. Moreover, the United States has no control over either Donald Trump's private

business transactions or over the Trump-affiliated commercial entities at the core of this lawsuit. Therefore, Plaintiffs have failed to demonstrate that their purported injuries could be redressed by a favorable decision running against the Official-Capacity Defendant. Indeed, based on the facts alleged in the Amended Complaint, it would be *impossible* for Plaintiffs' purported injuries to be redressed by a favorable decision. Because Plaintiffs cannot satisfy the causation and redressability elements of Article III standing, the official-capacity suit should be dismissed.

Second, Plaintiffs lack a cause of action to challenge private business transactions, which were not made "under the color of law." The receipt or acceptance of purported emoluments—the *actus reus* of the alleged constitutional tort—has not occurred "under the color of law." Therefore, this case is not properly pleaded as an individual-capacity suit. Finally, there is no basis for an implied cause of action in either the official-capacity or individual-capacity suit.

Third, this Court should reject Plaintiffs' efforts to recast their case as one arising in the equitable jurisdiction of the federal courts. Plaintiffs cite several decisions that issued an equitable *remedy* against the government. However, each case involved an underlying statutory or common law cause of action. Plaintiffs fail to identify any "analogous" cause of action that may have been brought in the English High Court of Chancery in 1789. Ultimately, the equitable jurisdiction of the federal courts do not provide Plaintiffs with a cause of action or jurisdiction.

Argument

I. Plaintiffs Lack Standing To Sue the President in His Official Capacity for Quintessentially Private Conduct

An official-capacity case must allege that a governmental policy or custom violated federal law. Plaintiffs do not allege that any governmental policy or custom played any role—much less *caused*—the purported violation of the Emoluments Clauses. Plaintiffs' official-capacity claim cannot satisfy the causation element of Article III's standing requirement.[3] Likewise, because the sovereign took no actions to violate the Constitution, the Court cannot order the sovereign to take any corrective action. The alleged injuries cannot be redressed by an official-capacity claim. Therefore, this claim fails the redressability element of Article III's standing requirement.[4] At bottom, Plaintiffs lack standing to sue the President in his official capacity for quintessentially private conduct.

A. Plaintiffs' Amended Complaint, which only concerns quintessentially private conduct, cannot be litigated by means of an official-capacity claim

Plaintiffs assert that any action taken by the President is, *ipso facto*, an action taken by the government as official government conduct. Therefore, they contend, such actions always give rise to an official-capacity suit. Not so. While the President may

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[3] *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561–62 (1992).
[4] *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 149 (2010) (citations omitted).

"occup[y] a unique office with powers and responsibilities so vast and important that the public interest demands that he devote his undivided time and attention to his public duties,"[5] the Chief Executive's duties "are not entirely 'unremitting.'"[6] Not everything the President does during his tenure is, *ipso facto*, an "official act[]."[7] A line does exist between the President's official conduct and his private, "unofficial conduct."[8]

The *sine qua non* of an official-capacity suit is that the government's "'policy or custom' *must* have played a part in the violation of federal law."[9] Consider a more familiar example. A prison guard who works in the prison mailroom intercepts a prisoner's mail from the prisoner's attorney. And he takes the correspondences pursuant to an official prison policy or custom. Therefore, the prisoner would sue the guard in his official capacity for injunctive relief.

Plaintiffs in this case have not alleged that there is any governmental "policy or custom" that "played a part in the violation" of the Emoluments Clauses. The acceptance of purported emoluments by Donald Trump and affiliated commercial

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[5] *Clinton v. Jones*, 520 U.S. 681, 697–98 (1997).
[6] *Id.* at 699 (quoting *United States v. Burr*, 25 F. Cas. 30, 34 (C.C.D. Va. 1807) (No. 14,692d) (Marshall, C.J.)).
[7] *See* Nixon v. Fitzgerald, 457 U.S. 731, 749 (1982). *Nixon v. Fitzgerald*'s identification of the "'outer perimeter' of [the President's] official responsibility," *id.* at 756, concerns the availability of the defense of absolute immunity; it is not determinative of the line between an official-capacity and an individual-capacity claim.
[8] *See Jones*, 520 U.S. at 705. Though *Jones* concerned "unofficial conduct" from before the President's term in office, the Court's analysis was not so limited.
[9] *Hafer v. Melo*, 502 U.S. 21, 25 (1991) (emphasis added) (citations omitted).

entities is in no sense governmental in nature—much less a government act *caused* by government policy or custom. Indeed, the Amended Complaint only concerns quintessentially private conduct taken by Donald Trump. Plaintiffs do not assert that the President, in his official capacity, "accept[ed]" any foreign emoluments.[10] Nor do Plaintiffs assert that President Trump, in his official capacity, "receive[d]" any domestic emoluments.[11] The alleged constitutional torts—accepting or receiving proscribed emoluments—can only occur through commercial transfers to Donald Trump's personal accounts. These purported torts could not have been committed pursuant to any formal or informal government "policy or custom." Any "official capacity" action claim is improperly pleaded.

This conclusion is not changed if the payments to the Trump-affiliated commercial entities were motivated by the clout of the President's position. The capacity analysis with respect to the Emoluments Clauses does not hinge on whether the donor's motive for giving the purported emoluments was to enjoy future benefits or good will from the President. The fact that the President would not have received the purported emoluments but for his being President does not turn either a private tort or an individual-capacity constitutional violation into an official-capacity claim. The

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[10] U.S. Const. art. I, § 9.

[11] *Id.* at art. II, § 1. Plaintiffs did not file suit against any other entity in the federal government, including the General Services Administration, which manages the lease to the Trump International Hotel. As a result, the District Court lacks jurisdiction to issue a judgment against those agencies.

reason is simple: official-capacity claims are tied to the office-holder's conduct. What matters is whether that acceptance of the emoluments was driven by a government policy or custom, not whether the payment of the emoluments was made based on a third-party's motivation or expectation of future benefits.

B. President Trump in his official capacity did not cause, and therefore cannot redress, Plaintiffs' alleged injuries

Plaintiffs lack standing to sue the President in his official capacity for two reasons. First, assuming there is an "injury in fact," Plaintiffs have failed to show that there is a "causal connection between the injury and the conduct complained of."[12] Specifically, "[P]laintiffs have never suggested that any act of" President Trump in his *official* capacity "has caused, will cause, or could possibly cause any injury to them."[13] Plaintiffs have only alleged that their purported injuries are caused by quintessentially private conduct taken by Donald Trump and affiliated commercial entities. Rather, the gravamen of Plaintiffs' claim is that the President's conduct amounts to a constitutional tort because he *is* President. This claim is inconsistent with how official-capacity suits are traditionally litigated and pleaded: the mere fact that a person is a government official or employee, and is subject to federal law, does not mean all of his actions are official-capacity actions.

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[12] *Lujan*, 504 U.S. at 560.
[13] *See Okpalobi v. Foster*, 244 F.3d 405, 426 (5th Cir. 2001) (en banc).

Second, Plaintiffs have failed to demonstrate that their injuries could be "redressed by a favorable decision."[14] Indeed, it will be *impossible* for Plaintiffs' purported injuries to be "redressed by a favorable decision" against the President in his official capacity. Why? A plaintiff lacks standing to bring an official-capacity claim where the district court cannot "order [the defendant] to do anything in her *official capacity to redress* [the plaintiff's] alleged injuries."[15] Any court-ordered relief running against the Official-Capacity Defendant would be unable to control, amend, or modify Donald Trump's *personal* conduct and his commercial entities—which form the gravamen of Plaintiffs' allegations. Specifically, the private commercial trust that currently controls Donald Trump's assets—and which accepts and receives the purported emoluments—was created without any involvement by the sovereign.[16] Therefore, no sovereign action could modify that trust in response to any court order running against the Official-Capacity Defendant.

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[14] *Lujan*, 504 U.S. at 561 (citations omitted).
[15] *Bishop v. Smith*, 760 F.3d 1070, 1089 (10th Cir. 2014) (citations omitted).
[16] Sheri Dillon et al., Morgan Lewis LLP White Paper, Conflicts of Interest and the President 2 (Jan. 11, 2017), https://perma.cc/B8BU-X4U3 (describing creation and organization of President-Elect Trump's trust).

II. Plaintiffs Lack Standing and a Cause of Action to Challenge Private Business Transactions, Which Were Not Made "Under the Color of Law"

An individual-capacity case must allege that the defendant violated federal law while acting under the color of law.[17] Consider another example involving a prison guard. Here, the guard goes rogue while working in the prison mailroom. On his own initiative, the guard intercepts a prisoner's mail from the prisoner's attorney. He was not following a government policy, but instead personally wished to injure the prisoner. The prisoner would sue this guard in his individual capacity. Why? Because the guard acted *under the color of law*: he wore a prison guard uniform, he was an employee of the government's prison service, he had lawful access to the prison mailroom, and he acted with apparent authority.

Consider another example. A prison guard, while off-duty and out of uniform, broke into the law offices of the prisoner's attorney. He then stole the prisoner's correspondences. Such conduct is tortious. But the burglary is not a cognizable federal constitutional tort. The wrong was not done pursuant to a government policy or custom. The prisoner could not sue the guard in his *official* capacity. Nor could the guard be sued in his *individual* capacity. The guard did not act under the color of law. Rather,

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[17] *See NCAA v. Tarkanian*, 488 U.S. 179, 191 (1988) (quoting United States v. Classic, 313 U.S. 299, 308 (1941)).

the guard's tortious conduct could only be challenged through a private civil lawsuit under state law. Federal civil rights law is not in play.

The allegations put forward by Maryland and the District of Columbia most closely resemble the off-duty prison guard example: a government official independently commits a tort, without regard to any governmental custom or policy, and he is not acting under the color of law. Such conduct might be wrongful. It might be tortious under state law. However, this conduct cannot possibly be characterized or pleaded as an "official capacity" or "individual capacity" federal constitutional tort.

This Court ordered the parties to address "whether the two Emoluments Clauses provide plaintiffs with a cause of action to seek injunctive relief." Plaintiffs concede that *Bivens* does not provide a cause of action for their individual-capacity claim.[18] Rather, Plaintiffs now contend that "equity" provides their cause of action and jurisdiction.[19] The Amended Complaint made no such claim. They sought only "equitable relief" against the President in his official and individual capacity.[20] The ultimate relief that may be obtained—such as an injunction, rather than damages—is separate from the twin threshold inquiries of what cause of action (if any) exists and the source of the District Court's jurisdiction. Despite this pleading error, the District Court

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[18] D.Ct. Doc. 117 at 27.
[19] D.Ct. Doc. 117 at 3, 29–31; D.Ct. Doc. 46 at 50–55. *See also* D.Ct. Doc. 56-1 at 3, 20.
[20] D.Ct. Doc. 90-2 at ¶139 & ¶144.

still found that Plaintiffs could invoke the federal court's "equitable jurisdiction."[21] Plaintiffs are in error. Equity provides neither a cause of action nor jurisdiction for this case to proceed.

III. The Equitable Jurisdiction of the Federal Courts Does Not Provide Plaintiffs With a Cause of Action

Amici start with first principles. The law of equity does not consider the "sharply defined bundles" that are present in modern-day federal courts litigation, such as "standing, merits, and remedies."[22] Professor Samuel Bray explains that in equity, "the Chancellor would look forward to the remedy in considering 'equitable jurisdiction,' a concept that overlapped with what we would now call 'standing' or 'cause of action.'"[23] Nevertheless, equitable jurisdiction has defined limits and boundaries. For example, in *Grupo Mexicano*, the Supreme Court explained that "the equity jurisdiction of the federal courts is the jurisdiction in equity exercised by the High Court of Chancery in England at the time of the adoption of the Constitution and the enactment of the original Judiciary Act, 1789 (1 Stat. 73)."[24]

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[21] *D.C. v. Trump*, 291 F. Supp. 3d 725, 755 (D. Md. 2018)
[22] Samuel L. Bray, Multiple Chancellors: Reforming the National Injunction, 131 Harv. L. Rev. 417, 482 (2017).
[23] *Id.*
[24] *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 318 (1999) (quoting A. Dobie, Handbook of Federal Jurisdiction and Procedure 660 (1928)).

In this case, Plaintiffs contend that "[t]he ability to sue to enjoin unconstitutional actions by state and federal officers is the creation of courts of equity, and reflects a long history of judicial review of illegal executive action, tracing back to England."[25] Plaintiffs wave the term "equity" as a magic talisman which solves all the defects of their case. It does not solve those problems; rather, it only adds confusion.

First, Plaintiffs fail to identify any "analogous" cause of action that may have been obtained at equity. Nor do they demonstrate that the High Court of Chancery in England could have exercised jurisdiction over an analogous case in 1789. (The United States attempted and failed to make such a showing in *Grupo Mexicano*.[26]) Plaintiffs' purported equitable cause of action would have been unknown to William Blackstone, Chancellor Kent, or Justice Story—and they "do not even argue this point" otherwise.[27]

Second, Plaintiffs' rule offers no limiting principle: it would open the courthouse door to *every* assertion of illegal conduct against *every* federal official at the request of *every* litigant. It is not enough to merely assert a violation of the Constitution. For example, in *Armstrong v. Exceptional Child Center*, the Supreme Court rejected the proposition that "the Supremacy Clause creates a cause of action for its violation" in the federal court's equitable jurisdiction.[28] (Plaintiffs repeatedly cite *Armstrong*, but fail

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[25] D.Ct. Doc. 117 at 29 (quoting *Armstrong v. Exceptional Child Center, Inc.*, 135 S.Ct. 1378, 1384 (2015)).
[26] *Grupo Mexicano*, 527 U.S. at 319.
[27] *Id.* at 322.
[28] 135 S.Ct. 1378, 1384 (2015).

to note that this case cuts against their free-floating claim to an equitable constitutional cause of action.)

Third, their approach would allow any plaintiff who invokes "equity" to evade the Administrative Procedure Act's restrictions on seeking a judicial remedy. Such a "wrenching departure from past practice" must be carefully scrutinized.[29] Equity jurisdiction is not a tabula rasa or constitutional free-for-all in which litigants could prosecute claims that would otherwise fail under the APA and in law.

Plaintiffs and the District Court confused this matter. They cited precedents in which the federal courts issued an equitable *remedy*, and treated those cases as if equity provided the *cause of action*. This approach puts the remedial cart before the jurisdictional horse. Plaintiffs cite several precedents to support their claim that the federal courts have equitable jurisdiction to hear this action. However, in each case, the underlying law—either common law or statutory—provided a cause of action. As a result, the federal courts had the power to issue an equitable remedy.

First, Plaintiffs cite *Ex Parte Young*.[30] In this old chestnut, the Supreme Court held that the federal courts could issue injunctive relief to prevent state officials from prospectively violating the Constitution.[31] From this well-known holding, Plaintiffs assert that the district court had equitable jurisdiction. Here, Plaintiffs only discuss the

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[29] *Grupo Mexicano*, 527 U.S. at 323.
[30] D.Ct. Doc. 117 at 29.
[31] 209 U.S. 123, 159–60 (1908).

remedial aspect of *Young*. However, they neglect to mention that the underlying cause of action in *Young* concerned a run-of-the-mill dispute: a governmental regulation of private property.[32] In the English High Court of Chancery, and in early American courts, a cause of action existed that would allow private citizens to challenge governmental regulations of property. Specifically, the *Young* plaintiffs sought to prevent *future* state action regulating *their* property, particularly by means of a coercive lawsuit by state officers. Not so in the instant litigation.

Here, Plaintiffs' suit concerns Donald Trump's property. *Young* provides no support for establishing an equitable cause of action in the context of the Emoluments Clauses. Donald Trump's purported constitutional tort—that is, accepting or receiving purported emoluments in private commercial transactions—does not involve Plaintiffs' property. Nor is the President regulating Plaintiffs' property. This case and *Young* share one trait in common: both sets of plaintiffs asked for *equitable relief*. By contrast, what Plaintiffs in the instant litigation need to show, but do not, is that they can assert *equitable jurisdiction* or an *equitable cause of action*.

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[32] *Id.* at 144 (explaining that "the question really to be determined under this objection is whether the acts of the legislature and the orders of the railroad commission, if enforced, would take *property* without due process of law." (emphasis added)). *See also Missouri v. Holland*, 252 U.S. 416, 431 (1920) ("The State also alleges a pecuniary interest, as *owner of the wild birds within its borders* and otherwise, admitted by the Government to be sufficient, but it is enough that the bill is a reasonable and proper means to assert the alleged quasi sovereign rights of a State.") (emphasis added).

Second, Plaintiffs turn to *Larson v. Domestic & Foreign Commerce Corp.*[33] That case involved a simple contract claim.[34] Again, causes of action for specific performance based on a breach of contract have longstanding roots in the law of equity. There is no analogous cause of action for claims under the Emoluments Clauses.

Third, Plaintiffs cite *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*[35] This citation is perplexing, because that case does not discuss the federal court's equitable jurisdiction. Rather, a footnote cited *Correctional Services Corp. v. Malesko* for the proposition that "equitable *relief* 'has long been recognized as the proper means for preventing entities from acting unconstitutionally.'"[36] Once again, Plaintiffs conflate equitable *remedies* with equitable *jurisdiction*. Moreover, *Malesko* involved an *unsuccessful* cause of action under *Bivens* for damages—not equitable jurisdiction for equitable relief. Critically, *Free Enterprise Fund* involved a *statute-based* cause of action: the Sarbanes-Oxley Act and the threat of a future coercive action by the SEC against the plaintiffs under that statute.[37]

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[33] D.Ct. Doc. 117 at 31, 34–35 (citing *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949)).
[34] *Larson*, 337 U.S. at 686 ("The basis of the action, on the contrary, was that a contract had been entered into with the United States.").
[35] D.Ct. Doc. 117 at 28, 29, 31 (citing *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477 (2010); *See* also D.Ct. Doc. 56 at 3 (citing *Free Enter. Fund*)).
[36] *Free Enter. Fund*, 561 U.S. at 491 n.2 (quoting *Correctional Services Corp. v. Malesko*, 534 U.S. 61, 74 (2001)) (emphasis added).
[37] *Id.* at 489–92.

The Supreme Court has never recognized an amorphous, open-ended equitable jurisdiction permitting plaintiffs to pursue vindication of purported constitutional rights merely by asserting that the right arises in "equity." At bottom, the federal court's "flexible" equitable jurisdiction must be "confined within the broad boundaries of traditional equitable relief."[38] Only "in *a proper case* [may] relief . . . be given in a court of equity . . . to prevent an injurious act by a public officer."[39] This case is not proper: unlike the *Free Enterprise* plaintiffs, the Maryland and the District of Columbia are not threatened by the Government with a future coercive lawsuit, much less a threatened future coercive lawsuit that may involve their property interests.

Conclusion

Plaintiffs lack standing to sue the President in his official and individual capacity. Moreover, Plaintiffs lack an express and implied cause of action in both law and equity.

Dated: January 29, 2019
Respectfully submitted,

By:
/s/ Jan I. Berlage
Jan I. Berlage
Gohn Hankey & Berlage LLP
201 North Charles Street
Suite 2101
Baltimore, Maryland 21201
Telephone: (410) 752-1261
Email: JBerlage@ghsllp.com

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[38] *Grupo Mexicano*, 527 U.S. at 319.
[39] *Armstrong*, 13 S.Ct. at 1384 (quoting *Carroll v. Safford*, 3 How. 441, 463 (1845)) (emphasis added).

Counsel for Amici Curiae

Robert W. Ray
Thompson & Knight LLP
900 Third Avenue, 20th Floor
New York, New York 10022
Telephone: (212) 751-3349
Email: robert.ray@tklaw.com
Co-Counsel for Amicus Curiae
Scholar Seth Barrett Tillman

Josh Blackman
1303 San Jacinto Street
Houston, Texas 77002
Telephone: (202) 294-9003
Email: Josh@JoshBlackman.com
Counsel for Amicus Curiae
Scholar Seth Barrett Tillman

Carrie Severino
Judicial Education Project
3220 N. Street, N.W.
Washington, D.C. 20007
Telephone: (571) 357-3134
Email: carrie@judicialnetwork.com
Counsel for Amicus Curiae
Judicial Education Project

Certificate of Compliance

I hereby certify that the foregoing brief complies with type-volume limits because, excluding the parts of the brief exempted by Fed. R. App. P. 32(f), this brief contains 3,841 words. This brief complies with the typeface and type style requirements because it has been prepared in a proportionally spaced typeface using Word in 14-point Garamond font.

DATED: January 29, 2019

/s/ Jan I. Berlage

Certificate of Service

I hereby certify that on January 29, 2019, I electronically filed the foregoing brief with the United States Court of Appeals for the Fourth Circuit using the CM/ECF system. All participants in this case are registered CM/ECF users, and will be served by the appellate CM/ECF system.

I further certify that one paper copy of the foregoing brief was sent to the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by Federal Express on January 29, 2019.

DATED: January 29, 2019

/s/ Jan I. Berlage

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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who is ______________________, makes the following disclosure:
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1. Is party/amicus a publicly held corporation or other publicly held entity? YES NO

2. Does party/amicus have any parent corporations? YES NO
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity? YES NO
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(a)(2)(B))? YES NO
If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question) YES NO
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:

6. Does this case arise out of a bankruptcy proceeding? YES NO
If yes, identify any trustee and the members of any creditors' committee:

Signature: ____________________________________ Date: ___________________

Counsel for: __________________________________

CERTIFICATE OF SERVICE

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I certify that on _________________ the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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________________________ (date)