

**MAYER | BROWN**

Mayer Brown LLP  
1221 Avenue of the Americas  
New York, NY 10020-1001  
United States of America

T: +1 212 506 2500  
F: +1 212 262 1910  
mayerbrown.com

**Lauren R. Goldman**  
Partner

T: +1 212 506 2647  
F: +1 212 849 5647

LRGoldman@mayerbrown.com

January 21, 2020

BY ECF

Molly C. Dwyer, Clerk of Court  
Office of the Clerk  
United States Court of Appeals for the Ninth Circuit  
James R. Browning Courthouse  
95 Seventh Street  
San Francisco, CA 94103-1526

Re: *Patel v. Facebook*, No. 18-15982

Dear Ms. Dwyer:

Facebook submits this letter pursuant to Fed. R. App. P. 41(d), and in accordance with its letter dated January 13, 2020 (ECF No. 111), to advise the Court that Facebook's petition for writ of certiorari was denied by the Supreme Court this morning. A copy of the Supreme Court's Order List for Tuesday, January 21, 2020, is attached as Exhibit A.

Sincerely,

*/s/ Lauren R. Goldman*

*Counsel for Facebook, Inc.*

# **EXHIBIT A.**

(ORDER LIST: 589 U.S.)

TUESDAY, JANUARY 21, 2020

ORDERS IN PENDING CASES

19A648 JEFFERSON, SHERRI V. SUPREME COURT OF GA  
(19-6916)

The application for stay addressed to Justice Kagan and referred to the Court is denied.

19M90 HARNAGE, JAMES A. V. BARRONE, DEPUTY WARDEN, ET AL.

19M91 DAHLEM, GERALD W. V. LOUISIANA

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

18-1323 ) JUNE MEDICAL SERV., ET AL. V. GEE, SEC., LA DEPT. OF HEALTH  
)  
18-1460 ) GEE, SEC., LA DEPT. OF HEALTH V. JUNE MEDICAL SERV., ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

18-1447 HUNGARY, ET AL. V. SIMON, ROSALIE, ET AL.

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

18-9107 IN RE GARVESTER BRACKEN

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

19-185 MUTOND, KALEV, ET AL. V. LEWIS, DARRYL

19-351 ) GERMANY, ET AL. V. PHILIPP, ALAN, ET AL.  
)  
19-520 ) PHILIPP, ALAN, ET AL. V. GERMANY, ET AL.

The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

19-840 ) CALIFORNIA, ET AL. V. TEXAS, ET AL.  
)  
19-841 ) HOUSE OF REPRESENTATIVES V. TEXAS, ET AL.

The motions of petitioners to expedite consideration of the petitions for writs of certiorari are denied.

19-6596 HETTINGA, WYLMINA V. LOUMENA, TIMOTHY P.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until February 11, 2020, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI DENIED**

18-9615 SORENSEN, SHAWN R. V. UNITED STATES  
19-205 ) FLINT, MI, ET AL. V. GUERTIN, SHARI, ET AL.  
)  
19-350 ) BUSCH, STEPHEN, ET AL. V. GUERTIN, SHARI, ET AL.  
19-330 SHAH, HARSHAD V. UNITED STATES  
19-401 HIGGS, LAMONT D. V. WILSON, WARDEN  
19-595 O'DAY, ERIC, ET AL. V. CHATILA, AHMAD, ET AL.  
19-616 W.A., ET AL. V. HENDRICK HUDSON CENT. SCH. DIST.  
19-622 BELL, THOMAS S. V. PENNSYLVANIA  
19-624 GRAF, MARK, ET AL. V. KOH, HYUNG SEOK, ET UX.  
19-626 HUFF, ROBERT, ET AL. V. CHOATE, MICHELE  
19-629 STEWART, TRACY L., ET AL. V. WILMINGTON SAVINGS FUND SOCIETY  
19-637 SERNA, EMMA V. WEBSTER, MARGETTE, ET AL.  
19-639 SHAO, LINDA V. WANG, TSAN-KUEN  
19-640 CLARKE, ANDREW, ET AL. V. GOODSON, RAY D., ET AL.  
19-642 JACKSON, SHAWNTELE C. V. LITTERAL, KATHY  
19-649 N. E. L., ET AL. V. GILDNER, MONICA, ET AL.

19-650 BARNETTE, MELISSA L. V. PROF-2013-M4 LEGAL TITLE  
19-699 MOUSTAKIS, ALBERT D. V. WI DEPT. OF JUSTICE  
19-706 FACEBOOK, INC. V. PATEL, NIMESH, ET AL.  
19-717 SANDS, MICHAEL J. V. BRENNAN, POSTMASTER GEN.  
19-738 DOMINGO, TOM V. DEPT. OF ARMY, ET AL.  
19-746 CARBUTT, OLIVER R. V. COLORADO  
19-748 LEPORE, JOHN B. V. OPM  
19-751 GUTIERREZ, ELIO V. CALIFORNIA  
19-780 NEWTON, WILLIE V. UNITED STATES  
19-5457 MUNKSGARD, MATTHEW G. V. UNITED STATES  
19-6585 TOPA, GELU V. KERBS, ALMONTE, ET AL.  
19-6590 WHITTEN, ANTWON V. ATYIA, ATIF, ET AL.  
19-6598 HERCENBERGER, ROBERT V. MARTIN, GARY A.  
19-6625 JONES, SAMUEL R. V. HUSS, ERICA  
19-6630 HUNTER, DANNEZ W. V. MURDOCH, KEITH R., ET AL.  
19-6642 CHANNEL, MICHAEL A. V. MARQUEZ, BENJAMIN, ET AL.  
19-6646 DENHAM, PAUL J. V. CALIFORNIA  
19-6691 SMITH, ROBERT H. V. INDIANA  
19-6697 PACK, MICHAEL L. V. TRUMP, PRESIDENT OF U.S.  
19-6699 McWHORTER, ANDREW V. INDIANA  
19-6736 COLOMBO, RALPH V. KINKLE, RODIGER, SPRIGGS, ET AL.  
19-6751 WILLIAMS, DeANGELO P. V. CALIFORNIA  
19-6781 LUNA-QUINTERO, DONATO V. INDIANA  
19-6792 SANCHEZ, VICTOR V. NOGAN, ADM'R, E. JERSEY, ET AL.  
19-6801 PALOMAR, MARCOS V. MADDEN, WARDEN  
19-6808 SMITH, PHILLIP E. V. COLLINS, FNU, ET AL.  
19-6855 MORALES, JOSE L. V. LEWIS, G. D., ET AL.  
19-6873 CARTER, ANTHONY D. V. FLORIDA

19-6876 AGUIRRE, MAURICIO V. UNITED STATES  
19-6882 THOMPSON, ZACKARY I. V. UNITED STATES  
19-6890 PEARSON, KEVIN L. V. UNITED STATES  
19-6891 RAHIMI, AHMAD K. V. UNITED STATES  
19-6904 MAHAM, AFRIES S. V. UNITED STATES  
19-6909 ROSA, EFRAIN J. V. RHODES, WARDEN  
19-6913 BENJAMIN, NEAL V. SAAD, WARDEN  
19-6915 THOMPSON, ANDREW L. V. UNITED STATES  
19-6920 BOYD, COURTNEY O. V. UNITED STATES  
19-6923 ALANIZ, ADRIAN V. FRAUENHEIM, WARDEN  
19-6925 TAALIBDIN, SULAIMAN V. MAHALLY, SUPT., DALLAS, ET AL.  
19-6930 JACKSON, RICHARD K. V. UNITED STATES  
19-6933 ABDU, ELMUIZ V. CLARKE, DIR., VA DOC  
19-6949 ROYAL, JAMES R. V. CLARKE, DIR., VA DOC  
19-6950 ROGERS, CHRISTOPHER B. V. SOSS, ACTING WARDEN  
19-6952 CLARDY, GIORGIO S. V. GILMORE, JUDY, ET AL.  
19-6994 MANIKOWSKI, CHRISTOPHER W. V. INCH, SEC., FL DOC  
19-7005 WOOD, JOHNNIE L. V. VIRGINIA

The petitions for writs of certiorari are denied.

19-636 ESTATE OF BOYLAND, ET AL. V. DEPT. OF AGRICULTURE, ET AL.

The petition for a writ of certiorari is denied. Justice Kavanaugh took no part in the consideration or decision of this petition.

19-666 LUO, JENN-CHING V. LOWE'S HOME CENTERS, LLC, ET AL.

The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this petition.

19-6508 WATSON, TERRY G. V. SAUL, ANDREW M.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

19-6652 HIRANO, DOUGLAS A. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor, with whom Justice Ginsburg joins, dissenting from the denial of certiorari: I dissent for the reasons set out in *Brown v. United States*, 586 U. S. \_\_\_\_ (2018) (Sotomayor, J., dissenting).

19-6786 MORRIS, CAROL J. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

**HABEAS CORPUS DENIED**

19-7055 IN RE CHARLENE ROSA

19-7058 IN RE RAMSEY RANDALL

The petitions for writs of habeas corpus are denied.

**MANDAMUS DENIED**

19-6702 IN RE RICARDO J. CALDERON-LOPEZ

The petition for a writ of mandamus is denied.

19-6874 IN RE STEPHEN D. LEONARD

The motion of petitioner for leave to proceed *in forma*

*pauperis* is denied, and the petition for a writ of mandamus is dismissed. See Rule 39.8.

**REHEARINGS DENIED**

18-6331 ROBINSON, VERNON V. FLORIDA  
18-8989 STOUTAMIRE, DWAYNE V. MORGAN, WARDEN  
19-339 SONNIER, EUGENE J. V. CATHOLIC FOUNDATION, ET AL.  
19-360 KONIECZKO, FRANCES K., ET AL. V. ADVENTIST HEALTH SYSTEM, ET AL.  
19-370 SILVA-RAMIREZ, SAMUEL D. V. HOSPITAL ESPANOL, ET AL.  
19-395 ALESSIO, CHRISTINA V. UNITED AIRLINES, INC.  
19-396 SIMON, CHARLES V. DEPT. OF JUSTICE, ET AL.  
19-425 OGUNSULA, VERONICA W. V. BARR, ATT'Y GEN., ET AL.  
19-5783 TOWNSEND, MONICA N. V. VASQUEZ, ERIK A.  
19-6032 LANGSTON, EARNEST L. V. MO BD. OF PROBATION AND PAROLE  
19-6128 McCARTHREN, BACARI V. UNITED STATES  
19-6202 RODRIGUEZ-SANTANA, MANUEL V. UNITED STATES

The petitions for rehearing are denied.



Cite as: 589 U. S. \_\_\_\_ (2020)

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Statement of BREYER, J.

## SUPREME COURT OF THE UNITED STATES

STUART A. MCKEEVER *v.* WILLIAM P. BARR,  
ATTORNEY GENERAL

ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
DISTRICT OF COLUMBIA CIRCUIT

No. 19–307. Decided January 21, 2020

The petition for a writ of certiorari is denied.

Statement of JUSTICE BREYER respecting the denial of certiorari.

In the decision below, the Court of Appeals for the District of Columbia Circuit held that a district court could not authorize the release of grand jury information *except* as specifically enumerated in Federal Rule of Criminal Procedure 6(e). 920 F. 3d 842, 850 (2019). That decision is in conflict with the decisions of several other Circuits, which have indicated that district courts retain inherent authority to release grand jury material in other appropriate cases. See, *e.g.*, *Carlson v. United States*, 837 F. 3d 753, 766–767 (CA7 2016); *In re Craig*, 131 F. 3d 99, 105 (CA2 1997); *In re Hastings*, 735 F. 2d 1261, 1271–1272 (CA11 1984). It also appears to conflict with the considered views of the Rules Committee. See Advisory Committee Minutes on Crim. Rules 7 (Apr. 22–23 2012), [https://www.uscourts.gov/sites/default/files/fr\\_import/criminal-min-04-2012.pdf](https://www.uscourts.gov/sites/default/files/fr_import/criminal-min-04-2012.pdf).

Whether district courts retain authority to release grand jury material outside those situations specifically enumerated in the Rules, or in situations like this, is an important question. It is one I think the Rules Committee both can and should revisit.