

18-474-cv

Citizens for Responsibility and Ethics in Washington, et al. v. Donald J. Trump

**United States Court of Appeals
FOR THE SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of August, two thousand twenty.

PRESENT:

ROBERT A. KATZMANN,
Chief Judge,
JOSÉ A. CABRANES,
ROSEMARY S. POOLER,
PETER W. HALL,
DEBRA ANN LIVINGSTON,
DENNY CHIN,
RAYMOND J. LOHIER, JR.,
SUSAN L. CARNEY,
RICHARD J. SULLIVAN,
JOSEPH F. BIANCO,
WILLIAM J. NARDINI,
STEVEN J. MENASHI,
Circuit Judges.

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON, RESTAURANT
OPPORTUNITIES CENTERS UNITED, INC.,
JILL PHANEUF, ERIC GOODE,

Plaintiffs-Appellants,

v.

No. 18-474-cv

DONALD J. TRUMP, IN HIS OFFICIAL

CAPACITY AS PRESIDENT OF THE UNITED STATES OF AMERICA,

Defendant-Appellee.

For Plaintiffs-Appellants:

DEEPAK GUPTA (Jonathan E. Taylor, Joshua Matz, and Daniel Townsend, *on the brief*), Gupta Wessler PLLC, Washington, D.C.

Joseph M. Sellers, Daniel A. Small, Cohen Milstein Sellers & Toll PLLC, Washington, D.C.

Norman L. Eisen, Stuart C. McPhail, Adam J. Rappaport, Citizens for Responsibility and Ethics in Washington, Washington, D.C.

Laurence H. Tribe, Harvard Law School, Cambridge, MA.

For Defendant-Appellee:

HASHIM M. MOOPPAN (Chad A. Readler, Michael S. Raab, Megan Barbero, *on the brief*; Joseph H. Hunt, Mark R. Freeman, Michael S. Raab, Martin Totaro, Joshua Revesz, *on the petition*), Department of Justice, Washington, D.C.

Following disposition of this appeal on September 13, 2019, a judge of the Court requested a poll on whether to rehear the case *en banc*. A poll having been conducted and there being no majority favoring *en banc* review, rehearing *en banc* is hereby **DENIED**.

José A. Cabranes, *Circuit Judge*, dissents by opinion from the denial of rehearing *en banc*.

Steven J. Menashi, *Circuit Judge*, joined by Debra Ann Livingston and Richard J. Sullivan, *Circuit Judges*, dissents by opinion from the denial of rehearing *en banc*.

John M. Walker, Jr., *Circuit Judge*, filed a statement with respect to the denial of rehearing *en banc*.

Pierre N. Leval, *Circuit Judge*, filed a statement with respect to the denial of rehearing *en banc*.

Michael H. Park, *Circuit Judge*, took no part in the consideration or decision of this petition.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK


Catherine O'Hagan Wolfe

The seal of the United States Court of Appeals for the Second Circuit is circular. It features the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. Two small stars are positioned on either side of the central text.