

No. 20-1839

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

DISTRICT OF COLUMBIA AND STATE OF MARYLAND,
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, in his individual capacity,
Defendant-Appellant.

On Appeal from the United States District Court
for the District of Maryland
(Peter J. Messitte, District Judge)

**APPELLEES' UNOPPOSED MOTION TO SUSPEND BRIEFING
PENDING DISMISSAL OF APPEAL**

Appellees the District of Columbia and the State of Maryland move the Court to suspend briefing in this appeal until the Court resolves the unopposed motion to dismiss the appeal that is being filed contemporaneously with this motion. Counsel for appellant Donald J. Trump has indicated that the appellant does not oppose the relief sought in this motion.

As explained in the motion to dismiss, this appeal is moot. The only relief sought by the District and Maryland for the injuries they alleged under the Emoluments Clauses was prospective relief against Donald J. Trump, in his

individual capacity, related to his decision to maintain an ownership interest in, and to profit from, the Trump Organization while holding the Office of President. But Mr. Trump's term in office expired on January 20, 2021, when Joseph R. Biden, Jr. was inaugurated as the next President. As a private citizen, Mr. Trump can no longer violate the Emoluments Clauses, and there is no longer any possible declaratory or injunctive relief that a court could grant. Because there is no live case left to resolve, further adjudication would amount to an advisory opinion, rendering this case moot. Furthermore, suspending the briefing during the pendency of the motion to dismiss would not prejudice either party and would conserve judicial resources.

Accordingly, appellees request that this Court suspend the remaining briefing deadlines and resolve the appeal on the unopposed motion to dismiss.

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 236 words. This motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in proportionally spaced typeface using Microsoft Word 365 in 14-point Times New Roman font.

/s/ Leah J. Tulin

Leah J. Tulin

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the U.S. Court of Appeals for the Fourth Circuit by using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the appellate CM/ECF system.

/s/ Leah J. Tulin

Leah J. Tulin