

Case No. 22-7164
September Term, 2022

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MICHIGAN WELFARE RIGHTS ORGANIZATION, et al.

Plaintiffs-Appellees,

v.

DONALD J. TRUMP

Defendant-Appellant.

**OPPOSITION TO APPELLEES’
MOTION FOR SUMMARY AFFIRMANCE**

Appellant Donald J. Trump (“President Trump”) respectfully submits that this Court should deny Appellees’ Motion for Summary Affirmance and grant his contemporaneously filed motion to stay this case or otherwise hold it in abeyance pending a potential petition for a writ of certiorari in the *Blassingame* appeal. The Defendant-Appellee Republican National Committee joins in the opposition of Appellees’ Motion for Summary Affirmance.

First, Appellees have missed the deadline for bringing a dispositive motion under D.C. Cir. Rule 27(g)(1). Indeed, Appellees have not moved for leave to file a dispositive motion after this deadline, which ran 45 days after this case was docketed.

Second, summary affirmance is inappropriate since the *Blassingame* appeal is not yet finally resolved. Indeed, the mandate has not issued in *Blassingame*. A motion to stay the mandate pending a petition for writ of certiorari will soon be filed in *Blassingame*. Appellant President Trump has, therefore, also filed a motion to stay or otherwise hold this appeal in abeyance pending the resolution of that motion and the potentially forthcoming petition for a writ of certiorari before the United States Supreme Court.

Because of these filings, this case would benefit from further briefing and argument once the *Blassingame* appeal is fully and finally resolved. *See Taxpayer Watchdog, Inc. v. Stanley*, 819 F. 2d 294, 297-98 (“To summarily affirm an order of the district court, this court must conclude that no benefit will be gained from further briefing and argument of the issues presented.”).

Therefore, it is inappropriate for this Court to grant summary affirmance at this time since Appellees sole argument for summary affirmance relies upon the *Blassingame* decision, where the mandate has not yet issued. Instead, the Court should deny Appellee's motion and grant Appellant's motion to stay this case or otherwise hold it in abeyance pending the final resolution of the *Blassingame* appeal.

Dated: January 2, 2024

Respectfully submitted,

/s/ Jesse R. Binnall

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 306 words, calculated using Microsoft Word's word-count function. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word in Century 14-point font, a proportionally spaced typeface.

Dated: January 2, 2024

/s/ Jesse R. Binnall

Jesse R. Binnall

*Attorney for President Donald J.
Trump*

CERTIFICATE OF SERVICE

I certify that on January 2, 2024, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

/s/Jesse R. Binnall
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