

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

ACO-116

No. 26-2684

UNITED STATES OF AMERICA,
Appellant

v.

SECRETARY OF STATE FOR THE COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA ALLIANCE FOR RETIRED AMERICANS; NICHOLAS
MASTON; GREGORY PERRY; TODD THATCHER; JOEL DICKSON; TRISHA
KENT; LIOR STERNFELD; JOHN THOMPSON; LEAGUE OF WOMEN VOTERS
OF PENNSYLVANIA; COMMON CAUSE; NATIONAL ASS'N FOR THE
ADVANCEMENT OF COLORED PEOPLE; PENNSYLVANIA STATE
CONFERENCE OF THE NAACP; STACEY TAYLOR

(Intervenors in D.C.)

(W.D. Pa. No. 2:25-cv-01484)

Present: FREEMAN, *Circuit Judge*

1. Motion filed by America First Policy Institute - Pennsylvania to proceed as intervenor in support of Appellant.
2. Response filed by Appellee Secretary of State for the Commonwealth of Pennsylvania.

Respectfully,
Clerk/lmr

ORDER

When the District Court dismissed the United States' complaint, it denied as moot America First Policy Institute – Pennsylvania's ("AFPI") motion to intervene. Thus, this appeal pertains only to the United States' efforts to compel the Secretary of State for the Commonwealth of Pennsylvania (the "Secretary") to provide certain information *to the*

United States. AFPI alleges that it was injured by the Secretary's failure to provide different information *to AFPI*. But that alleged injury does not give AFPI an interest in this particular dispute between the United States and the Secretary. *See* Fed. R. Civ. P. 24(a)(2). And even if it did give AFPI an interest in this dispute, it does not demonstrate that the disposition of this appeal would impair or impede AFPI's ability to protect its own interests. *See id.* Thus, AFPI may not intervene as a matter of right.

AFPI also seeks permissive intervention. But AFPI and the United States do not share a common question of law simply because they seek information from the same party pursuant to the same statute. *See* Mot. at 18–19; Fed. R. Civ. P. 24(b)(1)(B). In any event, permitting AFPI to intervene would unduly prejudice the original parties, as AFPI seeks to enlarge the issues before the Court in this appeal. *See* Fed. R. Civ. P. 24(b)(3).

Accordingly, the foregoing motion is denied.

By the Court,

s/Arianna J. Freeman
Circuit Judge

Dated: August 20, 2026
Lmr/cc: All Counsel of Record