

No. 25-6268

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

STATE OF OREGON, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, *in his official capacity as President of the
United States*, et al.,

Defendants-Appellants.

**[PROPOSED] BRIEF OF *AMICI CURIAE* LOCAL
GOVERNMENTS AND LOCAL GOVERNMENT LEADERS IN
SUPPORT OF APPELLEES' OPPOSITION TO APPELLANTS'
EMERGENCY MOTION FOR ADMINISTRATIVE STAY
AND STAY PENDING APPEAL**

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STATEMENT OF INTEREST

Amici curiae are local governments and officials from across the Nation.¹ Their municipalities and counties differ in size, demographics, and policy priorities, but share a common interest in keeping communities safe, protecting the First Amendment rights of their residents, and avoiding pretextual punishment by the Executive branch. Through decades of experience, *amici* (like appellees) have successfully deployed policies and practices that balance public safety needs with the rights of their residents.

By federalizing the Oregon National Guard without any factual basis, appellants failed to meet statutory thresholds and trampled on the foundational principles forbidding Federal military involvement in civilian law enforcement. Worse still, this drastic measure is baseless, arbitrary, and seemingly animated by pretext and misinformation. There is no rebellion or unrest that would turn lawful this latest in a series of

¹ All parties have consented to the filing of this brief. *See* Fed. R. Civ. P. 29(a)(2). No party or party's counsel authored this brief in whole or in part. No party or party's counsel contributed money intended to fund preparation or submission of this brief. A list of all *amici* is provided at Appendix A.

unprecedented military deployments across the country. Yet, appellants have now attempted twice to unlawfully send the National Guard to patrol Portland's streets. Worse, the President has made plain his desire to treat American cities as "training grounds."² Indeed, plans are underway to deploy the National Guard to nineteen more States,³ with an Executive Order instructing for further deployments.⁴ These are not theoretical plans: just yesterday, the President sought to deploy 400 members of the Texas National Guard "where needed, including in the cities of Portland and Chicago."⁵ *Amici* have a strong interest in ensuring that unmoored and unnecessary deployments cease and that order to the rule of law is restored.

² *Trump wants to use U.S. cities as military 'training grounds.' Can judges stop him?*, LA Times (Oct. 1, 2025), <https://perma.cc/MMV3-G4SA>; see also *Trump says he'll send troops to 'clean up' San Francisco*, SF Standard (Aug. 22, 2025), <https://perma.cc/MS76-R5KR>; *Trump Hints He Could Send National Guard to Oakland*, KTVU (Aug. 12, 2025), <https://perma.cc/4LGY-5E6D> (naming specific cities).

³ *Trump mobilizing up to 1,700 National Guard troops in 19 states to widen crime and immigration crackdown*, The Independent (Aug. 25, 2025), <https://perma.cc/6U2S-KEP8>.

⁴ The White House, *Additional Measures to Address the Crime Emergency in the District of Columbia*, § 2(d)(ii) (Aug. 25, 2025), <https://perma.cc/3AF2-QMQ4>.

⁵ See ECF 65-1.

Amici are gravely concerned that any protest—real or perceived—within their borders will result in another unnecessary deployment of the military. Worse still, the President could issue an order seeking to federalize troops at *any time, anywhere, for any reason*—based on nothing more than sporadic incidents of protest or being a disfavored jurisdiction. Not only does this harm *amici*'s interests and police powers, but it also disturbs *amici*'s interest in peace and tranquility, and in the well-being of our residents and our local economies. *Amici* respectfully submit this brief in support of appellees' opposition to appellants' emergency motion for administrative stay and stay of the district court's temporary restraining order pending appeal.

SUMMARY OF ARGUMENT

Our nation's constitutional order demands that Federal military deployment for civilian law enforcement be restricted and that federal courts hold that line against Executive overreach. As the district court correctly found, now twice in less than two days, no circumstances exist in Portland today that would disturb this long-established prohibition. Yet, the President sought to federalize 200 members of the National Guard with no credible justification to do so, over the objection of state

and local authorities. When the district court temporarily enjoined deployment, the President attempted to federalize even more out-of-state National Guard members. Federalizing and deploying the National Guard is a last resort, not a primary tactic, reserved for those exceedingly rare instances of foreign invasion, violent rebellion, or where local resources are so completely overwhelmed as to be unable to execute the laws. This Court should reject appellants' stay requests.

Amici emphasize that unwarranted military policing dramatically increases the risk of irreparable injury. Military troops patrolling our communities inflames tensions, decreases the efficacy of local law enforcement, and increases risks of tragic accidents. And it disturbs our residents' peace and well-being and disrupts our local businesses and economies. This is especially true where, as here, military troops are deployed on city streets irrespective of any factual reality on the ground.

For these reasons and those below, the status quo before appellants' unlawful and pretextual military mobilization was decisively better for the public interest. This Court should deny appellants' motion. *See Doe #1 v. Trump*, 957 F.3d 1050, 1068 (9th Cir. 2020) (denying motion to stay injunction where public interest lies with preserving decades-old

governance system).

ARGUMENT

I. APPELLANTS SEEK TO UNLAWFULLY UNLEASH MILITARY FORCES WITHOUT FACTUAL JUSTIFICATION AND UNDER PRETEXT THAT SEVERELY HARMS *AMICI* AND THE PUBLIC INTEREST.

The district court correctly concluded that both temporary restraining orders are warranted. No legal authority or factual justification exists in this record for appellants to federalize the Oregon National Guard and attempt to invade another U.S. city. The public interest and the balance of equities support denying appellants' motion and allowing the district court's order to remain pending appeal. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

In considering a stay, courts look to all who would be impacted by the requested stay pending appeal. *Golden Gate Restaurant Ass'n v. S.F.*, 512 F.3d 1112, 1126–27 (9th Cir. 2008). Here, *amici* represent a cross section of the public interest. They assert the serious harm that municipalities and counties face when the National Guard is mobilized without a request by the local or state government based on a determination that is “simply untethered to the facts” *see* ECF 56 at 23.

A. The Unlawful Federalization of the National Guard Without Justification Irreparably Harms State and Local Sovereignty.

A bedrock embodiment of state and local sovereignty over the police power is the steadfast refusal to allow the military to engage in domestic policing. *See Laird v. Tatum*, 408 U.S. 1, 15–16 (1972). Appellants’ federalization of the National Guard shatters that legal tradition. In so doing, appellants likely cause irreparable harm to appellees’ sovereignty and threaten that harm to other localities nationwide. ECF 56 at 27–28.

Amici urge this Court to consider the distinct and irreparable injury that local governments nationwide suffer from when the President unlawfully deploys military forces on our streets. The National Guard’s management of local protests usurps local government’s constitutional interest to provide for the general welfare of their residents through their police power. *See S.F. v. Trump*, 2025 WL 1282637, at *22 (N.D. Cal. May 3, 2025) (citing *S.F. v. Trump*, 897 F.3d 1225, 1234–36 (9th Cir. 2018)). Appellants are undermining “localities’ right to sovereignty and self-determination [that] forms the bedrock of our republic.” *Id.* And this federal intrusion “diminish[es] the accountability” of federal officials by “put[ting] [state and local governments] in the position of taking the

blame for its burdensomeness and for its defects.” *Printz v. U.S.*, 521 U.S. 898, 929–30 (1997). This infringement on local sovereignty weighs strongly against the public interest.

B. The Public Interest Is Best Served When Local Law Enforcement, Not Federalized Military Forces, Exercise Their Police Powers to Ensure Public Safety and Manage Local Protests.

The vast majority of protests across the United States are peaceful.⁶ In the rare circumstances when demonstrations threaten public safety, local law enforcement are better trained than military forces to handle such incidents. Indeed, the district court detailed just how trained and ready local law enforcement officers have been in balancing crowd management, First Amendment activity (including large scale protests), and de-escalating disruption around Portland’s ICE facility specifically.⁷ See ECF 56 at 8-11.

Unlike the National Guard, which secures combat and natural

⁶ See, e.g., Demonstrations and Political Violence in America: New Data for Summer 2020, ACLED (Sept. 3, 2020), <https://perma.cc/8VD5-Z9D4> (finding 93% of national demonstrations—in 2,400 locations—were peaceful).

⁷ Portland also has specialized officers who are tasked with liaising with protestors to help keep crowds safe. See *Helping people make their voices heard*, Portland.gov (May 15, 2025), <https://perma.cc/WER7-L652>.

disaster zones, local law enforcement has extensive experience managing protests and deep understanding of their communities. *Amici*, like appellees,⁸ have established procedures and training that balance public safety, individual rights, the protection of property, crowd management, and the preservation of residents' fundamental constitutional rights. *See* ECF 56 at 6; *see also Grider v. Abramson*, 180 F.3d 739, 751-53 (6th Cir. 1999) (local governments have “significant public interests in fostering the privileges of free expression and assembly” and in “the preservation of community peace”).

Amici's police departments also have extensive experience developing strategies that work best for their cities. Law enforcement agencies accordingly devote significant time to community engagement with the aim of building the public's trust.⁹ As a result, local law

⁸ Portland, Or., Portland Police Bureau Response to Public Order Events, <https://perma.cc/98L7-X9CF> (extensive definitions, policies, and directives for responding effectively, while balancing “lawful assembly and expression of speech while also maintaining public safety, peace, and order.”).

⁹ *See* Community Engagement Division, SFPD, <https://perma.cc/RSY9-53VU>; *see also* Community Police Review Agency, Oakland, <https://perma.cc/9ZBM-ULTC>; Mayor Lucas Announces Significant KCPD Accountability Measures, Pardons Roderick Reed, Kansas City (June 4, 2020) <https://perma.cc/48L7-JJCS>.

enforcement understands which tactics might escalate a situation in a particular community and what might be more useful in calming that same community. These tactics are not window-dressing; they succeed in deescalating serious conflicts.¹⁰ Military troops with no local orientation lack these critical insights. Indeed, as the district court noted, their deployment itself inflames protesters. *See* ECF 56 at 29 (the district court noting that, on the night of appellee’s deployment announcement, “the size of protests increased substantially”). And history demonstrates that this pattern repeats. *See* Br. of Cal. and Gov. Newsom as *Amici Curiae*, ECF 41–1 at 11 (pointing out that National Guard mobilization actually inflamed further protests in L.A., including spawning new unrest that required more state resources); *see also* Decl. of Caroline Turco, ECF 13 ¶ 3 (deployment of Federal law enforcement to Portland in 2020 “reignited” protests and riots that had “largely self-extinguished.”).

And to the extent necessary, at an operational level, local governments like *amici* and appellees have established policies and

¹⁰ Pittsburgh Bureau of Police Roadway Safety Guidelines (July 26, 2018), <https://perma.cc/WB57-5TJP>; *see also* New Haven, *Statement by Mayor Elicker on Yale University Students Protests and Successful De-escalation by the New Haven Police Department* (Apr. 23, 2024), <https://perma.cc/897J-HJCV>.

procedures for coordinating responses to significant emergencies and civil unrest when local resources prove to be insufficient. They allow local governments to request additional state and local resources in a practiced manner that will avoid interagency conflicts, deescalate tensions and prevent widespread disorder. *See, e.g.*, ECF 56 at 20–21 (describing appellee City’s “close coordination” with Federal Protective Services officers). Centralized information-sharing and coordination of responses within these groups avoids putting the public or law enforcement at risk, without the need for any military forces. As the district court concluded, “the regular forces... *were able* to execute the laws of the United States.” *Id.* at 21 (emphasis in original).

Deploying military troops outside of these established processes heightens the likelihood of coordination failures and introduces more complexity and risk for local law enforcement and the public.¹¹ This is particularly true where appellants deploy the National Guard in response to what has been described as a small protest, “rarely numbering more than two dozen” protestors.¹² On the night of the

¹¹ LAPD News Release (June 9, 2025), <https://perma.cc/GWV3-K33M>.

¹² *Trump Says He Has Ordered Troops to Protect ICE Facilities in*

President’s deployment, law enforcement “observed approximately 8-15 people at any given time out front of ICE. Mostly sitting in lawn chairs....” See ECF 56 at 21 (citing Hughes Decl., Exs. 22, 26).

As the district court noted, there is no doubt that local law enforcement is better positioned to manage local protests—even those that result in unrest—to ensure the proper balance between people, property, and rights. *Id.* at 21.

C. Actual and Threatened Militarization of Our Cities Disturbs Our Residents’ Well-Being and Our Local Economies.

Federal military presence, when deployed without cause, damages *amici*’s communities psychologically and economically. Far from feeling safer, residents report that Federal soldiers’ occupancy of their cities causes anxiety, disrupts community harmony, and damages the local economy.¹³ Even internal documents suggest that Federal military leaders are aware that appellants’ actions are perceived as “leveraging fear,” driving a “wedge between citizens and the military,” and promoting

Portland, N.Y. Times (Sep. 27, 2025), <https://perma.cc/SJ3S-GLHP>.

¹³ *Downtown DC Businesses Hope for Increased Foot Traffic After End To Federal Takeover*, ABC 7 News (Sept. 11, 2025), <https://perma.cc/HGX5-G7RQ>.

a sense of “shame” among some troops and veterans.¹⁴ Experts note that the presence of troops in neighborhoods increases individuals’ perception of danger, not security.¹⁵ Rather than strengthening trust, Appellants threaten to unravel decades of work that *amici* have invested in building trust with our communities.

Amici’s local economies are also suffering. Many *amici* count tourism as a top generator of economic stability. Evidence shows that the military presence is deterring visitors,¹⁶ and the National Guard in D.C. and L.A. have caused abrupt declines in tourism.¹⁷ Restaurants have also lost business;¹⁸ and major community events have reduced attendance.¹⁹ Moreover, the unnecessary deployment of federal law enforcement to City

¹⁴ *National Guard documents show public ‘fear,’ veterans ‘shame’ over D.C. presence*, Wash. Post (Sept. 29, 2025) <https://perma.cc/S5QX-8VNB>.

¹⁵ *Trump’s Push for More Troops in US Cities at Odds with Crime Stats*, Military Times (Aug. 29, 2025), <https://perma.cc/2RVT-E7GK>.

¹⁶ *Trump Crackdown is Affecting D.C.’s Image and Tourism Numbers*, Axios D.C. (Aug. 29, 2025), <https://perma.cc/CR64-X3JY>.

¹⁷ *D.C. v. Trump*, No. 25-civ-3005 (D.D.C. 2025), ECF 3-5, Schwalb Decl., ¶ 7, <https://perma.cc/BZ7A-8LDW>.

¹⁸ *How National Guard Troops in D.C. Are Affecting Restaurants in the Capital*, NPR (Sept. 1, 2025), <https://perma.cc/6AU5-HENA>.

¹⁹ *D.C. tourism was already struggling, then the National Guard arrived*, Wash. Post (Aug. 29, 2025), <https://perma.cc/BRG6-4D7T>.

appellee has historically provoked heightened civil unrest, which can exacerbate economic losses.²⁰

Negative effects from the deployments are not confined—and surrounding counties also feel the effects. The fear and confusion caused by deployment in L.A., for example, has spilled over to neighboring Santa Ana, where a “large part of the community stays home in fear,” depressing economic activity.²¹

Members of the National Guard are also residents of *amici*’s communities. They hold jobs, raise their families, and contribute to *amici*’s social fabric. Many deployed Guard members are missing family milestones and work, all while expressing shame about their present mission.²² At the same time, taxpayers are paying the massive price of these deployments—\$134 million for L.A. alone, and an estimated \$10 million for Oregon.²³

²⁰ See Turco Decl. ¶¶ 3-4.

²¹ *Immigration Raids and Military Presence Hurting Economy in Santa Ana, Employees Say*, ABC 7 (June 11, 2025), <https://perma.cc/NFP8-7E3B>.

²² *Supra* n.14.

²³ *LA Deployments to Cost \$134 Million and Last 60 days, Pentagon Says*, Military Times (June 10, 2025), <https://perma.cc/2N6D-ZPWH>; *National Guard Deployment—Estimated Cost: \$10 Million—Crawls*

Amici, representing millions of Americans, have a fundamental interest in ensuring that these unnecessary deployments cease and that the rule of law is restored.

CONCLUSION

The public interest overwhelmingly supports maintaining the status quo, and this Court should deny appellant's emergency motion for an administrative stay and stay pending appeal of the district court's order.

Dated: October 6, 2025

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APPENDIX A - List of *Amici Curiae*

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City of Alexandria, Virginia

Allegheny County, Pennsylvania

City of Anaheim, California

City of Ann Arbor, Michigan

City of Baltimore, Maryland

City of Berkeley, California

City of Boston, Massachusetts

City of Burlington, Vermont

City of Cambridge, Massachusetts

City of Chicago, Illinois

Dane County, Wisconsin

City and County of Denver, Colorado

City of Evanston, Illinois

King County, Washington

City of Long Beach, California

City of Los Angeles, California

Los Angeles County, California

City of Madison, Wisconsin

City of Minneapolis, Minnesota

Montgomery County, Maryland

Multnomah County, Oregon

City of Newark, New Jersey

City of New Haven, Connecticut

City of New York, New York

City of Oakland, California

Pima County, Arizona

City of Pittsburgh, Pennsylvania

City of Rochester, New York

City of Sacramento, California

City of St. Paul, Minnesota

City of San Diego, California

City of San José, California

County of Santa Clara, California

San Mateo County, California

City of Santa Monica, California

City and County of San Francisco, California

Sonoma County, California

City of West Hollywood, California

Local Government Leaders

Luis Alejo

Supervisor, County of Monterey, California

Valarie Bachelor

School Board Director, City of Oakland, California

Jorge Baron

Councilmember, King County, Washington

Ravinder Bhalla

Mayor, City of Hoboken, New Jersey

Andy Brown

Judge, Travis County, Texas

Jesse Brown

Councilmember, City of Indianapolis, Indiana

Xouhoa Bowen

Vice Mayor, City of San Leandro, California

Chelsea Byers

Mayor, City of West Hollywood, California

Barb Byrum
Clerk, Ingham County, Michigan

Chris Canales
Councilmember, City of El Paso, Texas

Michael Chameides
Supervisor, County of Columbia, New York

John Clark
Mayor, Town of Ridgway, Colorado

Laura Conover
County Attorney, County of Pima, Arizona

Christine Corrado
Councilmember, Township of Brighton, New York

Olgy Diaz
Councilmember, City of Tacoma, Washington

Roger Dickinson
Councilmember, City of Sacramento, California

Justin Douglas
Commissioner, Dauphin County, Pennsylvania

Diane Ellis-Marseglia
Commissioner, Bucks County, Pennsylvania

Marilyn Ezzy Ashcraft
Mayor, City of Alameda, California

Ramin Fatehi
Commonwealth's Attorney, City of Norfolk, Virginia

Bryan "Bubba" Fish
Councilmember, City of Culver, California

Vanessa Fuentes
Mayor Pro Tem, City of Austin, Texas

Brenda Gadd
Councilmember, Metropolitan Nashville & Davidson County, Tennessee

Adrian Garcia
Commissioner, County of Harris, Texas

Heidi Garrido
Councilmember, City of Hopkins, Minnesota

Delia Garza
County Counsel, Travis County, Texas

José Garza
District Attorney, Travis County, Texas

Megan Green
President of Board of Alderman, St. Louis County, Missouri

Jonathan Guzmán
School Committee Vice-Chair, City of Lawrence, Massachusetts

Beau Harbin
Legislator, County of Cortland, New York

Robert J. Harvie
Commissioner, Bucks County, Pennsylvania

Jani Hitchen
Councilmember, County of Pierce County, Washington

Stephanie Howse-Jones
Councilmember, City of Cleveland, Ohio

Susan Hughes-Smith
Legislator, County of Monroe, New York

Christopher Jaramillo
*Norristown Area School District Board President, County of
Montgomery, Pennsylvania*

Lisa Kaplan
Councilmember, City of Sacramento, California

Lisa Lawitzke
Clerk, Township of Bellevue, Michigan

Jessie Lopez
Councilmember, City of Santa Ana, California

Kim Lund
Mayor, City of Bellingham

Christian Menefee
County Attorney, Harris County, Texas

William Moehle
Supervisor, Town of Brighton, New York

Steve Mulroy
District Attorney, County of Shelby, Tennessee

Arnetta Murray
Councilmember, City of Iowa Colony, Texas

Linda Mussmann
Supervisor, City of Hudson, New York

Jonathan Nieuwsma
Councilmember, City of Evanston, Illinois

Isabel Piedmont-Smith
Councilmember, City of Bloomington, Illinois

Jacqueline “Jack” Porter
Commissioner, City of Tallahassee, Florida

Delishia Porterfield
Councilmember, Metropolitan Nashville & Davidson County, Tennessee

Satya Rhodes-Conway
Mayor, City of Madison, Wisconsin

Ryan Richardson
City Attorney, City of Oakland, California

Amanda Rodriguez
Councilmember, City of San Marcos, Texas

Rossana Rodríguez Sánchez
Alderpersion, City of Chicago, Illinois

Miguel Sanchez
Councilmember, City of Providence, Rhode Island

Dawn Marie Sass
Clerk/Deputy Treasurer, City of Exeter, Wisconsin

Seema Singh
Councilmember, City of Knoxville, Tennessee

David Stout
Commissioner, City of El Paso, Texas

Lena Tam
Supervisor, County of Alameda, California

Terry Vo
*Metro Councilmember, Metropolitan Nashville & Davidson County,
Tennessee*

Braxton White
Commissioner, County of Clarion, Pennsylvania

Robin Wilt
Councilmember, Township of Brighton, New York

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 17. Statement of Related Cases Pursuant to Circuit Rule 28-2.6

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form17instructions.pdf>

9th Cir. Case Number(s) 25-6268

The undersigned attorney or self-represented party states the following:

- ☐ I am unaware of any related cases currently pending in this court.
- ☐ I am unaware of any related cases currently pending in this court other than the case(s) identified in the initial brief(s) filed by the other party or parties.
- ☒ I am aware of one or more related cases currently pending in this court. The case number and name of each related case and its relationship to this case are:

Newsom v. Trump, No. 25–3727 addresses similar issues as this case.

Signature /s/ Jonathan B. Miller

Date October 7, 2025

(use “s/[typed name]” to sign electronically-filed documents)

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 15. Certificate of Service for Electronic Filing

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form15instructions.pdf>

9th Cir. Case Number(s) 25-6268

I hereby certify that I electronically filed the foregoing/attached document(s) on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

Service on Case Participants Who Are Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) via email to all registered case participants on this date because it is a sealed filing or is ☒ submitted as an original petition or other original proceeding and therefore cannot be served via the Appellate Electronic Filing system.

Service on Case Participants Who Are NOT Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) on this date by hand ☐ delivery, mail, third party commercial carrier for delivery within 3 calendar days, or, having obtained prior consent, by email to the following unregistered case participants (*list each name and mailing/email address*):

Description of Document(s) (*required for all documents*):

BRIEF OF AMICI CURIAE LOCAL GOVERNMENTS AND LOCAL GOVERNMENT LEADERS IN SUPPORT OF APPELLEES' OPPOSITION TO APPELLANTS' EMERGENCY MOTION FOR ADMINISTRATIVE STAY AND STAY PENDING APPEAL

Signature /s/ Jonathan B. Miller

Date October 7, 2025

(*use "s/[typed name]" to sign electronically-filed documents*)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 8. Certificate of Compliance for Briefs

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form08instructions.pdf>

9th Cir. Case Number(s)

2,572

I am the attorney or self-represented party.

This brief contains

words, including

0

words

manually counted in any visual images, and excluding the items exempted by FRAP

32(f). The brief's type size and typeface comply with FRAP 32(a)(5) and (6).

I certify that this brief (*select only one*):

- ☐ complies with the word limit of Cir. R. 32-1.
- ☐ is a **cross-appeal** brief and complies with the word limit of Cir. R. 28.1-1.
- ☒ is an **amicus** brief and complies with the word limit of FRAP 29(a)(5), Cir. R. 29-2(c)(2), or Cir. R. 29-2(c)(3).
- ☐ is for a **death penalty** case and complies with the word limit of Cir. R. 32-4.
- ☐ complies with the longer length limit permitted by Cir. R. 32-2(b) because (*select only one*):
- ☐ it is a joint brief submitted by separately represented parties.
- ☐ a party or parties are filing a single brief in response to multiple briefs.
- ☐ a party or parties are filing a single brief in response to a longer joint brief.
- ☐ complies with the length limit designated by court order dated .
- ☐ is accompanied by a motion to file a longer brief pursuant to Cir. R. 32-2(a).

Signature

/s/ Jonathan B. Miller

Date

October 7, 2025

(use "s/[typed name]" to sign electronically-filed documents)

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