

No. 20-5143

**In the
United States Court of Appeals for the District of Columbia Circuit**

**IN RE: MICHAEL T. FLYNN,
*Petitioner***

**On Petition for a Writ of Mandamus to the
United States District Court for
the District of Columbia**

**Motion for Leave to File Brief *Amicus Curiae* of
Former United States Attorney General Edwin Meese III
and Conservative Legal Defense and Education Fund
in Support of Petitioner**

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June 1, 2020

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MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

The movants, former United States Attorney General Edwin Meese III and Conservative Legal Defense and Education Fund, through undersigned counsel, hereby request leave of this Court to file their Brief *Amicus Curiae* in Support of Petitioner in the above-captioned action.

The grounds in support of this motion are as follows:

1. The movant Edwin Meese served as the 75th Attorney General of the United States from 1985 to 1988 and currently serves as the Ronald Reagan Distinguished Fellow Emeritus of the Meese Center for Legal and Judicial Studies at The Heritage Foundation. Movant Conservative Legal Defense and Education Fund is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. This case presents questions of great importance concerning the separation of the powers and the law governing the procedures for termination of a criminal proceeding found to be baseless.

2. Attorney General Meese, *et al.*'s *Amicus Curiae* Brief is timely. This Court's order of May 21, 2020 directed the district judge to respond to the petition for a writ of mandamus by June 1, 2020, and this *amicus* brief is being filed the same day. In all other respects, former Attorney General Meese III, *et al.*'s *Amicus Curiae* Brief complies with the Federal Rules of Appellate

Procedure, including with respect to content and form, Fed. R. App. P. 29(a)(4), and with respect to length, Fed. R. App. P. 29(a)(5), as the brief is no more than half the length allowed a party filing pursuant to Fed. R. App. P. 21(d).

3. The brief submitted with this motion by these *amici curiae* addresses the significant issues raised by the government's motion to dismiss and the petition for a writ of mandamus. *Amici* believe that the perspective of a former Attorney General of the United States will assist the Court's ruling in this case.

WHEREFORE, the movants, *amici curiae* former United States Attorney General Edwin Meese III, *et al.*, pray that their motion be granted and that they be given leave to file their Brief *Amicus Curiae* in Support of Petitioner in this matter.

Respectfully submitted,

/s/ William J. Olson

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CERTIFICATE OF COMPLIANCE

IT IS HEREBY CERTIFIED:

1. That the foregoing Motion for Leave to File Brief *Amicus Curiae* of Former United States Attorney General Edwin Meese III, *et al.* in Support of Petitioner complies with the type-volume limitation of Rule 27(d)(2)(A), Federal Rules of Appellate Procedure, because this motion contains 354 words, excluding the parts of the petition exempted by Rule 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using WordPerfect version 18.0.0.200 in 14-point CG Times.

/s/ William J. Olson

William J. Olson
Attorney for *Amici Curiae*

Dated: June 1, 2020

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing Motion for Leave to File Brief *Amicus Curiae* of Former United States Attorney General Edwin Meese III, *et al.* in Support of Petitioner was made, this 1st day of June, 2020, by the Court's Case Management/Electronic Case Files system upon the attorneys for the parties.

/s/ William J. Olson

William J. Olson
Attorney for *Amici Curiae*

ADDENDUM**CERTIFICATE AS TO
PARTIES, RULINGS, AND RELATED CASES*****Parties and Amici***

Except for the following, all parties, intervenors, and *amici curiae* appearing before the district court below and this Court are listed in the Petition for a Writ of Mandamus and other *amicus* briefs: *amici curiae* former United States Attorney General Edwin Meese III and Conservative Legal Defense and Education Fund.

Ruling under Review

References to the ruling at issue appear in the Petition for a Writ of Mandamus.

Related Cases

Counsel adopt and incorporate by reference petitioner's statements with respect to related cases.

CORPORATE DISCLOSURE STATEMENT

The *amicus curiae* herein, Conservative Legal Defense and Education Fund, through its undersigned counsel, submit this Corporate Disclosure Statement pursuant to Rules 26.1(b) and 29(c) of the Federal Rules of Appellate Procedure, and Rule 26.1 of the Rules of the United States Court of Appeals for the District of Columbia Circuit.

The *amicus curiae* is a non-stock, nonprofit corporation, which has no parent company, and no person or entity owns it or any part of it.

The *amicus curiae* is represented herein by William J. Olson, counsel of record, Jeremiah L. Morgan, Herbert W. Titus, and Robert J. Olson, of William J. Olson, P.C., 370 Maple Avenue West, Suite 4, Vienna, Virginia 22180-5615.

/s/ William J. Olson
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