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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **OAKLAND DIVISION**

17 STATE OF CALIFORNIA *et al.*,

18 *Plaintiffs,*

19 v.

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

22 *Defendants.*

Case No. 4:19-cv-00872-HSG

M.S.J. Hearing Date: August 29, 2019
 Time: 2:00 PM

**CONSENT MOTION FOR LEAVE
 TO FILE MEMORANDUM OF
 THE UNITED STATES HOUSE OF
 REPRESENTATIVES AS AMICUS
 CURIAE**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 The U.S. House of Representatives respectfully moves for leave to file the attached
3 memorandum as *amicus curiae* in the above-captioned matter. Plaintiffs and defendants consent
4 to the House’s motion. A copy of the House’s proposed *amicus curiae* brief and a proposed order
5 are attached.

6 The House’s motion for leave to file as *amicus curiae* should be granted because the
7 House has a compelling institutional interest in this case, which involves the Executive Branch
8 defendants’ unconstitutional expenditure of funds to build a wall along the southern border of the
9 United States without a valid Congressional appropriation. To protect its interests, the Court
10 granted the House permission to, and the House did file, an amicus brief in support of plaintiffs’
11 motion for a preliminary injunction, and the House presented argument on that motion. *See*
12 Consent Mot. for Leave to File Amicus Brief, *Sierra Club v. Trump et al.*, No. 4:19-cv-00892
13 (N.D. Cal. Apr. 12, 2019), ECF No. 45. The House now seeks leave to file a brief in support of
14 plaintiffs’ motion for partial summary judgment for the same reasons.

15 The House respectfully submits that its *amicus* brief will aid the Court’s understanding of
16 the Congressional appropriations issues presented here. The House is well-positioned to provide
17 this Court with unique insight into the appropriations process. As part of the Legislative Branch,
18 the House offers a perspective distinct from the parties, which is particularly important given the
19 separation-of-powers concerns implicated by this action. Accordingly, the House should be
20 granted leave to participate as *amicus curiae*.

21 **CONCLUSION**

22 For the foregoing reasons, the House’s motion for leave to file the attached memorandum
23 as *amicus curiae* should be granted.

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Respectfully submitted,

/s/ Douglas N. Letter
DOUGLAS N. LETTER

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* Attorneys for the Office of General Counsel for the U.S. House of Representatives are “entitled, for the purpose of performing the counsel’s functions, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court.” 2 U.S.C. § 5571.

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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2019, I caused the foregoing document to be filed via the U.S. District Court for the Northern District of California’s CM/ECF system, which I understand caused service on all registered parties.

/s/ Douglas N. Letter
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