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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **OAKLAND DIVISION**

12 STATE OF CALIFORNIA, *et al.*,

13 *Plaintiffs,*

14 v.

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

17 *Defendants.*

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

M.S.J. Hearing Date: Nov. 20, 2019
 Time: 10:00 AM

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

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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

5 The House’s motion for leave to file as amicus curiae should be granted because the House
6 has a compelling institutional interest in this case, which involves the Executive Branch defendants’
7 unconstitutional expenditure of funds to build a wall along the southern border of the United States
8 without a valid Congressional appropriation. To protect its interests, the House filed with the
9 Court’s permission an amicus brief in support of plaintiffs’ motion for a preliminary injunction, the
10 House presented argument on that motion, and the House filed an amicus brief in support of
11 plaintiffs’ prior motion for partial summary judgment. The House now seeks leave to file a brief
12 in support of plaintiffs’ present motion for partial summary judgment for the same reasons.

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

19 **CONCLUSION**

20 For the foregoing reasons, the House’s motion for leave to file the attached brief as amicus
21 curiae should be granted.

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Respectfully submitted,

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October 18, 2019

* 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 October 18, 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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