

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JOHN GUNTER, JR., et al.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:17CV177-NBB-RP

**PHIL BRYANT,
Governor of Mississippi, et al.**

DEFENDANTS

**ORDER DENYING MOTIONS FOR LEAVE TO
PERMIT FILING OF AMICUS CURIAE BRIEFS**

The court has received three motions for leave to permit the filing of amicus curiae briefs by Anna Little, a non-resident attorney who is not admitted to practice in this court. Docket 66, 68, 70. Local Uniform Civil Rule 83.1 provides the mechanism for appearing in this district. An attorney must be licensed to practice in Mississippi and then follow the proper procedure to be admitted to practice in the United States District Court for the Northern District of Mississippi. In the alternative, an out of state attorney may obtain local counsel and apply to appear via *pro hac vice* admission. Anna Little has not followed either procedure for appearing in this district.

Ms. Little's improper appearance in this cause aside, the undersigned finds the proposed briefs will not assist the court in making a determination in this matter. There is no rule that defines a federal district court's power to grant leave to file an *amicus* brief, but it is clear that the "extent to which the court permits *amicus* briefing lies solely within the court's discretion." *U.S. v. Ollis*, 2008 WL 620520, *7(S.D. Tex March 3, 2008). "Whether to permit a nonparty to submit a brief, as *amicus curiae*, is, with immaterial exceptions, a matter of judicial grace." *In re Hal Wireless, Inc.*, 684 F.3d 581, 586 (5th Cir. 2012) (citing *United States v. Okoronkwo*, 46 F.

3d 426, 435 (5th Cir. 1995)). The undersigned has reviewed the three proposed briefs and concludes that the motions and briefing already filed with the court are sufficient to make a determination. The proposed *amicus* briefs are not useful or otherwise necessary to the administration of justice in this matter. Therefore, the motions for leave to file amicus briefs (Docket 66, 68, and 70) are DENIED.

This, the 13th day of February, 2018.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE