APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

No. 19-939

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of December, two thousand nineteen.

Present: ROBERT D. SACK,
BARRINGTON D. PARKER,
DENNY CHIN,
Circuit Judges.

ROBERT DOYLE,,

Plaintiff-Appellant,

-v-

DOUGLAS C. PALMER, in his official capacity as the Clerk of the United States District Court for the Eastern District of New York,

Defendant-Appellee.

FOR PLAINTIFF-APPELLANT:
TODD C. BANK, Kew Gardens, NY

FOR DEFENDANT-APPELLEE:
MATTHEW J. MODAFFERI, Assistant United States Attorney (Rachel G. Balaban, Varuni Nelson, Assistant United States Attorneys, *on the brief*), for Richard P. Donoghue, United States Attorney for the Eastern District of New York, Brooklyn, NY.

Appeal from the United States District Court for the Eastern District of New York (Weinstein, *J.*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of said District Court be and it hereby is **AFFIRMED**.

Plaintiff-appellant Robert Doyle ("Doyle") appeals from a judgment of the district court entered May 28, 2019, dismissing his claims against defendant-appellee Douglas C. Palmer, Clerk of Court of the United States District Court for the Eastern District of New York ("Defendant"). By memorandum and order entered March 28, 2019, the district court granted Defendant's motion to dismiss the amended complaint pursuant to Rule 12(b)(6) for failure to state a claim.

Doyle, an attorney, challenges the constitutionality of Eastern District of New York ("E.D.N.Y.") Local Rule 1.3(a), which requires applicants seeking bar admission in the district to submit an affidavit from an E.D.N.Y.-barred attorney attesting to the applicant's good moral character (the "sponsor affidavit"). Doyle claims Local Rule 1.3(a) is unconstitutional for three reasons: (1) Congress unconstitutionally delegated its rulemaking power to the Judiciary; (2) the rule violates the Due Process Clause of the Fifth Amendment; and (3) the rule violates the First Amendment. We assume the parties' familiarity with the underlying facts, procedural history, and issues on appeal.

"We review a district court's grant of a motion to dismiss under Rule 12(b)(6) *de novo*." *Hernandez v. United States*, 939 F.3d 191, 198 (2d Cir. 2019) (citation omitted). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (internal quotation marks omitted).

For substantially the reasons stated by the district court, we affirm. The complaint fails to state a plausible claim for relief. Doyle's claim that the requirement of a sponsor affidavit is somehow unconstitutional is specious, and we reject it.

We have considered all of Doyle's arguments and conclude they are without merit. For the foregoing reasons, we **AFFIRM** the order of the district court.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

[s/ Catherine O'Hagan Wolfe]

APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT DOYLE,

Plaintiff,

-against-

DOUGLAS PALMER, Clerk of the Federal District Court, Eastern District of New York,

Defendant.

MEMORANDUM & ORDER

18-CV-4439

JACK B. WEINSTEIN, Senior United States District Judge:

Parties	**Appearances**
Plaintiff	**Todd C. Bank** Law Office of Todd C. Bank 119-40 Union Turnpike, Fourth Fl. Kew Gardens, NY 11415 718-520-7125

Defendant **Matthew J. Modafferi**
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
718-254-6229

I. Introduction

This case arises out of a challenge to Local Rule 1.3(a) of the United States District Court for the Eastern District of New York's "sponsor affidavit requirement." Applicants to the bar of the Eastern District of New York must submit an affidavit from a current member of the bar, *who has known the applicant for a minimum of one year*, stating what the attorney knows of the applicant's character and experience.

Plaintiff Robert Doyle brings this action against the Clerk of the Federal District Court for the Eastern District of New York. He seeks both a declaration that the sponsor affidavit requirement is unconstitutional and a writ of mandamus to allow plaintiff to apply for admission to the Eastern District of the New York bar without complying with the sponsor affidavit requirement.

Defendant moves to dismiss pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction and under Rule 12(b)(6) for failure to state a claim. The Rule 12(b)(6) motion is granted.

II. Claims

First, plaintiff challenges the foundation of the federal courts' authority to adopt rules governing the admission of attorneys by arguing that Local Rule 1.3(a)'s sponsor affidavit requirement is the result of an unconstitutional delegation of power by Congress to the Judiciary. Second, he claims that the sponsor affidavit requirement contravenes the Fifth Amendment's Due Process and Equal Protection Clauses. Third, he alleges that it violates his rights under the First Amendment.

None of these claims have merit.

"[A] district court has discretion to adopt local rules that are necessary to carry out the conduct of its business. This authority includes the regulation of admissions to its own bar." *Frazier v. Heebe*, 482 U.S. 641, 645, 107 S.Ct. 2607, 96 L.Ed.2d 557 (1987) (citations omitted); *see also* 28 U.S.C. § 1654; 28 U.S.C. § 2071; Fed. R. Civ. P. 83(a)(1) ("After giving public notice and an opportunity for comment, a district court, acting by a majority of its district judges, may adopt and amend rules governing its practice."); *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991) (the scope of the federal court's inherent power includes "the power to control admission to its bar and to discipline attorneys who appear before it" (citation omitted)).

"The practice of law is not a matter of grace, but of right for one who is qualified by his learning and his

moral character." *Baird v. State Bar of Arizona*, 401 U.S. 1, 8, 91 S.Ct. 702, 27 L.Ed.2d 639 (1971) (citations omitted). The sponsor affidavit requirement is a valid exercise of the Eastern District of New York's judiciary's authority to adopt local rules related to an applicant's fitness to practice law. *See In re Sutter*, 543 F.2d 1030, 1037 (2d Cir. 1976) ("Whether grounded upon the inherent power of the court or upon the rule-making power conferred by 28 U.S.C. § 2071, the operative principle is the same: if the local rule is related to the management of the court's business and it is not inconsistent with a statute or other rule or the Constitution, then it is valid."); *Ex parte Secombe*, 60 U.S. 9, 13, 19 How. 9, 15 L.Ed. 565 (1856) ("[I]t rests exclusively with the court to determine who is qualified to become one of its officers ...."). The court reasonably depends upon a lawyer's veracity and good faith and is therefore entitled to investigate the character of those who seek to practice before it.

Relevant is a review of the local rules for the United States courts. *See*, *infra*, Section V(A); Exhibit A (table summarizing court's survey of federal courts' rules). It demonstrated that admission requirements similar to the sponsor affidavit requirement of the Eastern District have been widely adopted by federal courts. *See* Ex. A (finding that 47 of 94 district courts require a sponsoring attorney to state what she or he knows of the applicant's character and/or experience at the bar; 6 require the sponsoring attorney know the applicant for at least one year). In Exhibit A, attached, those courts requiring the sponsoring attorney know the applicant for at least a fixed amount of time are

marked with an asterisk.

The court reviewed the admission materials for each federal court. But, the application forms for several district courts—Western District of Arkansas, Central District of California, Eastern District of California, Southern District of California, District of Colorado, Northern District of Florida, Southern District of Florida, District of Kansas, District of Massachusetts, District of Nebraska, District of North Dakota, Western District of Wisconsin—were not readily accessible.

There is no legal basis for the elimination of the sponsor affidavit requirement, but it may, in some few instances, make it more difficult to gain admission. For this reason, the requirement that the sponsoring attorney know the applicant for a year should probably be eliminated. Most courts do not require the sponsor to have known the applicant for any amount of time prior to commenting on their character and experience.

III. Background

A. Challenged Rule

Local Rule 1.3(a) sets out the requirements for admission to the bar of the Eastern District of New York. It provides, in relevant part:

> "[An] application for [bar] admission ... shall ... be accompanied by *an affidavit of an attorney of this Court who has known*

> *the applicant for at least one year*, stating when the affiant was admitted to practice in this court, how long and under what circumstances the attorney has known the applicant, and *what the attorney knows of the applicant's character and experience at the bar*."

(emphasis added).

The form affidavit that sponsoring attorneys are asked to fill out is simple, to the point, and should present no difficulty to an applicant. It is set out below:

[form affidavit]

B. Factual Allegations

Plaintiff is an attorney admitted to practice in the State of New York. *See* Hr'g Tr. 11:1–5, Feb. 19, 2019. He allegedly wishes to become a member of the bar in the Federal District Court for the Eastern District of New York. Am. Compl. ¶ 23. But, he contends he cannot comply with the sponsor affidavit requirement without compromising his beliefs or his self-identity. *See id.* ¶¶ 23, 29, 33.

To enable a current member of the bar to provide a reasonably accurate assessment of his character, Doyle alleges that he must engage in certain "necessary activities." *Id. ¶ 24.* They include the "disclosure, to a [s]ponsor, of [his] beliefs regarding philosophical, religious, political, social, moral, and ethical matters ... [and] of a sufficient number of

experiences of [his] that demonstrate consistency, or inconsistency, with any of [his] [p]ersonal [b]eliefs." *Id.* ¶¶ 25–26. He contends that it "would be virtually impossible for [him] to engage in the [n]ecessary [a]ctivities to a degree that would avoid the non-negligible risk ... that the [s]ponsor would be untruthful in 'stating what [he] knows of [his] character.'" *Id. ¶ 31.* He believes that taking this "risk" is immoral and claims that this belief is "fundamental to his self-identity." *Id. ¶¶ 33*, 34.

IV. Motion to Dismiss Standard

To grant a motion to dismiss for failure to state a claim upon which relief can be granted, "a court must accept the plaintiff's factual allegations as true, drawing all reasonable inferences in plaintiff's favor." *Clark St. Wine & Spirits v. Emporos Sys. Corp.*, 754 F.Supp.2d 474, 479 (E.D.N.Y. 2010).

V. Analysis

A. Survey of Federal Courts' Local Rules

A review of the local rules for the 94 United States district courts, the 12 United States circuit courts, and the United States Supreme Court was made under this court's direction *ex mero motu*, see Ex. A (survey of federal courts' local rules). *See* Fed. R. Evid. 201(b)(2) (courts may take judicial notice of facts that can be readily determined from sources whose accuracy

cannot be reasonably questioned). The survey revealed that Local Rule 1.3(a)'s sponsor affidavit requirement is, in general, consistent with the admission requirements of other federal courts.

United States courts have largely adopted their own sponsor requirements: 47 district courts, 8 circuit courts, and the Supreme Court require a sponsoring attorney to affirm that the applicant possesses good moral and professional character. *See* Ex. A. 24 district courts and the Supreme Court require affirmation from two or more sponsors. *See id.*

Relatively rare is the Eastern District's Local Rule 1.3(a)'s requirement that the sponsor has known the applicant for at least one year. See id. Only 5 other district courts impose a similar condition. See id. (finding that the District for District of Columbia, Northern District of Illinois, District of Maryland, Southern District of New York, and Southern District of Texas require that the sponsor knows the applicant for at least one year; the District of Connecticut and District of Vermont for at least 6 months). This requirement appears unnecessary. A sponsoring lawyer should not need to know an applicant for a year to fairly assess his or her character and experience. It creates avoidable problems for first-time applicants, as well for those attorneys new to the New York area, who may not have access to the same networks as many of their peers.

It is recommended that the judges of the Eastern District of New York revise Local Rule 1.3(a) by

removing the condition that the sponsoring attorney must have known the applicant for a minimum of one year. If the change is made, it is probably desirable to coordinate the shift with the Federal District Court for the Southern District of New York whose local rules mirror those of the Eastern District. On a rare occasion, the one-year requirement may needlessly exclude a worthy attorney who lacks the requisite professional or social connections. In our unequal society, we should be encouraging those on the lower end of the socioeconomic ladder, with less acquaintanceships with lawyers, to enter the legal profession as a means to move up in status and to support themselves and their families—as well as to help others.

B. Constitutional Delegation of Power by Congress to the Judiciary

Doyle claims that Local Rule 1.3(a)'s sponsor affidavit requirement is unlawful because it is the result of an unconstitutional delegation of legislative power to the federal courts. The crux of his argument is that Congress cannot delegate the power to enact a rule like the sponsor affidavit requirement because it does not have the power to enact such a rule itself "whose application ... in a particular district court is not based upon the presence or absence of any particular rationale of factors." *See* Pl.'s Mem. Opp'n at 13, ECF No. 27, Dec. 3, 2018.

Plaintiff's claim is baseless. *See Mistretta v. United States*, 488 U.S. 361, 387, 109 S.Ct. 647, 102

L.Ed.2d 714 (1989) ("Congress has undoubted power to regulate the practice and procedure of federal courts, and may exercise that power by delegating to this or other federal courts authority to make rules not inconsistent with the statutes or constitution of the United States." (quotation marks and citation omitted)). As the district court in *In re Frazier* put it:

> Congress possesses the power to establish courts inferior to the Supreme Court and to make all laws necessary and proper for executing that power. U.S. Const., art. I, § 8, cl. 9; U.S. Const. art. I, § 8, cl. 18. As part of the power to make necessary regulations in establishing a lower court system, Congress can prescribe rules for practice and procedure in those courts. Congress has not exercised this power directly, however, but has instead delegated the rule-making authority to the courts themselves.... So long as the lower courts do not exceed the authority delegated to them, they can prescribe rules of practice to the same extent as could Congress if it exercised the power directly.

594 F.Supp. 1173, 1178 (E.D. La. 1984), aff'd, 788 F.2d 1049 (5th Cir. 1986), *rev'd on other grounds*, *Frazier v. Heebe*, 482 U.S. 641, 107 S.Ct. 2607, 96 L.Ed.2d 557 (1987).

Congress delegated to federal courts the express

authority to enact desirable local rules to conduct the business before them. *See* 28 U.S.C. § 1654; 28 U.S.C. § 2071. Section 35 of the Judiciary Act of 1789, Act of September 25, 1789, Ch.20, 1 Stat. 73, 92, now codified as section § 1654 of Title 28, provides:

> In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

Section 2071(a) of Title 28 provides:

> The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed under section 2072 of this title.

28 U.S.C. § 1654 and 28 U.S.C. § 2071, along with Fed. R. Civ. P. 83, "authorize the adoption of rules for conducting court business and this includes reasonable standards for admission to practice for the court." *In re G.L.S.*, 745 F.2d 856, 859 (4th Cir. 1984) (emphasis added). The sponsor affidavit requirement is a lawful exercise of the court's authority to regulate admission to its own bar. See Frazier, 482 U.S. at 645, 107 S.Ct. 2607; *Sanders v. Russell*, 401 F.2d 241, 245 (5th Cir.

1968) ("The district courts have broad discretion in prescribing requirements for admission to practice before them ... [and] ha[ve] a valid interest in regulating the qualifications and conduct of counsel ....").

This claim is meritless and must be dismissed.

C. Fifth Amendment Claims

Construed liberally, the amended complaint raises Fifth Amendment Due Process and Equal Protection claims against the defendant. Both fail as a matter of law.

There is not the slightest hint that the Rule has ever been employed based on race, gender, or other discriminatory way. *See Thiel v. Southern Pacific Co.*, 328 U.S. 217, 223, 66 S.Ct. 984, 90 L.Ed. 1181 (1946) ("Wage earners, including those who are paid by the day, constitute a very substantial portion of the community, a portion that cannot be intentionally and systematically excluded in whole or in part without doing violence to the democratic nature of the jury system.").

Doyle cannot establish a deprivation of a liberty interest or property right necessary to prevail on a Due Process claim. *See Sutera v. Transportation Sec. Admin.*, 708 F.Supp.2d 304, 313 (E.D.N.Y. 2010) ("To prevail on either a procedural or a substantive due process claim, a claimant must establish that he possessed a liberty or property interest of which the

defendants deprived him."); *Maynard v. United States Dist. Court*, 701 F.Supp. 738, 743 (C.D. Cal. 1988) ("[C]ourts have held that the right to practice law is not a property right protected by the Due Process Clause." (citing *In re Roberts*, 682 F.2d 105, 107 (3rd Cir. 1982)); *Theard v. United States*, 354 U.S. 278, 281, 77 S.Ct. 1274, 1 L.Ed.2d 1342 (1957) ("Membership in the bar is a privilege burdened with conditions." (citation omitted)).

Nor can he demonstrate that the sponsor affidavit requirement violates the Equal Protection Clause. "Whether embodied in the Fourteenth Amendment or inferred from the Fifth, equal protection is not a license for courts to judge the wisdom, fairness, or logic of legislative choices.... [A rule] that neither proceeds along suspect lines nor infringes fundamental constitutional rights must be upheld against equal protection challenge if there is any reasonably conceivable state of facts that could provide a rational basis for the [rule]." *F.C.C. v. Beach Commc'ns, Inc.*, 508 U.S. 307, 313, 113 S.Ct. 2096, 124 L.Ed.2d 211 (1993).

"Under rational basis review, the challenged rule 'comes ... bearing a strong presumption of validity, and those attacking the rationality of the [rule] have the burden to negative every conceivable basis which might support it.'" *Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Lynch*, 826 F.3d 191, 196 (4th Cir. 2016) (alteration in original) (citing *F.C.C. v. Beach Commc'ns, Inc.*, 508 U.S. at 313, 113 S.Ct. 2096). "Where there are 'plausible reasons' for

Congress' action, 'our inquiry is at an end.'" *F.C.C. v. Beach Commc'ns, Inc.*, 508 U.S. at 313–14, 113 S.Ct. 2096 (citation omitted).

No impairment of a fundamental right or classification based on a suspect class can be established. *See*, *e.g.*, *Giannini v. Real*, 911 F.2d 354, 358 (9th Cir. 1990) ("There is no fundamental right to practice law ... [and] [a]ttorneys do not constitute a suspect class."); *Brooks v. Laws*, 208 F.2d 18, 28 (D.C. Cir. 1953) ("There is no inherent right to practice law. The right arises after qualification under the rules has been established.").

Local Rule 1.3(a)'s requirement that a sponsoring attorney provide his or her knowledge of the applicant's qualifications, experience, and good moral character is rationally related to the applicant's fitness to practice law. *See*, *e.g.*, *Schware v. Bd. of Bar Exam. of State of N.M.*, 353 U.S. 232, 239, 77 S.Ct. 752, 1 L.Ed.2d 796 (1957) ("A State can require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law." (citations omitted)). It is necessary for the court to rely upon the good moral character and the intellectual capability of the attorneys before it, partly to protect the clients and partly to protect the court and the public. *See Ex parte Secombe*, 60 U.S. at 13, 19 How. 9; *Randall v. Brigham*, 74 U.S. 523, 540, 7 Wall. 523, 19 L.Ed. 285 (1868) ("The authority of the court over its attorneys

and counsellors is of the highest importance.").

Plaintiff's unsupported claims alleging Fifth Amendment violations are dismissed.

D. First Amendment Claims

Plaintiff's allegations that the sponsor affidavit requirement violates his rights under the First Amendment are not actionable.

"Generally, the government may license and regulate those who would provide services to their clients for compensation without running afoul of the First Amendment." *NAAMJP v. Howell*, 851 F.3d 12, 19 (D.C. Cir. 2017) (quotation marks and citations omitted). "A lawyer's procurement of remunerative employment is a subject only marginally affected with First Amendment concerns. It falls within the ... proper sphere of economic and professional regulation." *Ohralik v. Ohio State Bar Ass'n*, 436 U.S. 447, 459, 98 S.Ct. 1912, 56 L.Ed.2d 444 (1978).

The sponsor affidavit requirement does not violate the First Amendment. It does not target any speech based on its content or on the viewpoint of the speaker. Any possible miniscule impact that it may have on expressive activities does not rise to the level of a constitutional violation. *See Boy Scouts of America v. Dale*, 530 U.S. 640, 650, 120 S.Ct. 2446, 147 L.Ed.2d 554 (2000). It is nothing more than a standard regulation of the legal profession that, as noted above, *see*, *supra*, Section V(C), passes rational basis review.

See Lowe v. SEC, 472 U.S. 181, 228, 105 S.Ct. 2557, 86 L.Ed.2d 130 (1985) ("Regulations on entry into a profession, as a general matter, are constitutional if they 'have a rational connection with the applicant's fitness or capacity to practice' the profession." (citation omitted)).

The court's rule merely requires that an applicant demonstrates his character and experience to a member of the Eastern District of New York bar. *See*, *supra*, Section III.A. It is essentially a request for a reference who can comment reliably on the applicant's general fitness to practice law. It does not require a comprehensive survey of the applicant's legal experience or an explanative analysis of her or his ethical beliefs. The court may reasonably inquire generally into the personal and professional background of applicants to its bar without contravening the First Amendment. *See Howell*, 851 F.3d at 19; *cf. Goldfarb v. Va. State Bar*, 421 U.S. 773, 792, 95 S.Ct. 2004, 44 L.Ed.2d 572 (1975) ("The interest ... in regulating lawyers is especially great since lawyers are essential to the primary governmental function of administering justice, and have historically been 'officers of the courts.'" (citations omitted)).

Construing the facts in the manner most helpful to the plaintiff, Doyle cannot establish a violation of his freedom of association. *See*, *e.g.*, *Roberts v. U.S. Jaycees*, 468 U.S. 609, 623, 104 S.Ct. 3244, 82 L.Ed.2d 462 (1984) ("The right to associate for expressive purposes is not ... absolute. Infringements on that right

may be justified by regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms." (citations omitted)). He cannot establish a violation of his freedom of conscience. *See*, *e.g*, *Commack Self-Service Kosher Meats, Inc. v. Hooker*, 680 F.3d 194, 212 (2d Cir. 2012) ("[W]hen *305 the government seeks to enforce a law that is neutral and generally applicable, it need only demonstrate a rational basis for its enforcement, even if enforcement of the law incidentally burdens religious practices." (quotation marks and citations omitted)).

Plaintiff's First Amendment claims lack merit and are dismissed.

VI. Conclusion

A. Proposal to Revise Local Rule 1.3(a)

This court suggests that the Eastern District of New York amend Local Rule 1.3(a) by removing the requirement that the sponsor "has known the applicant for at least one year." The condition appears unnecessary for an attorney of the court to provide a fair assessment of an applicant's character and experience.

B. Defendant's Motion to Dismiss

Defendant's motion to dismiss the amended complaint is granted pursuant to Rule 12(b)(6).

Plaintiff's claims are dismissed with prejudice.

Enter judgment in favor of the defendant.

SO ORDERED.
[signature]
Jack B. Weinstein
Senior United States
District Judge

Date: March 18, 2019
Brooklyn, New York

VII. Exhibit A: Survey of Federal Court Local Rules—Requirements for Attorneys to Sponsor Applicant's Admission to the Bar

[" Survey of Federal Court Local
Rules—Requirements for Attorneys to
Sponsor Applicant's Admission to the Bar"]

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 31 st day of January, two thousand twenty.

ORDER

No. 19-939

ROBERT DOYLE,,

Plaintiff-Appellant,

-v-

DOUGLAS C. PALMER, in his official capacity as the Clerk of the United States District Court for the Eastern District of New York,

Defendant-Appellee.

Appellant, Robert Doyle, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered

the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

[s/ Catherine O'Hagan Wolfe]