



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

November 9, 2020

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Trump v. San Jose, No. 20-561

Dear Mr. Harris:

The jurisdictional statement in the above-captioned case was filed on October 29, 2020. The appellees' motion to affirm or dismiss is due on November 30, 2020. The government respectfully submits this letter pursuant to Rule 30.4 of the Rules of this Court. Although the government has no reason to believe that appellees will seek an extension of time to file their motion to affirm or dismiss, the government submits this letter in an abundance of caution to inform the Clerk in advance that it would oppose any request for an extension.

The district court entered a judgment barring the Secretary of Commerce from including information requested by the President about the immigration status of individuals in a report concerning the enumeration for purposes of apportionment of Representatives; the report has a statutory deadline of December 31, 2020. See J.S. App. 130a-131a; 13 U.S.C. 141(b). The government has requested that the Court hold the jurisdictional statement in this case pending its disposition of *Trump v. New York*, No. 20-366 (filed Sept. 22, 2020), and then dispose of it as appropriate in light of the Court's decision in that case. *New York* involves the same questions presented as does the jurisdictional statement in this case, and, recognizing the need for resolution of those questions before the December 31 statutory deadline, this Court expedited its consideration of *New York* and set oral argument for November 30.

An extension of time to file the motion to affirm or dismiss could hinder this Court's ability to act on the jurisdictional statement in this case after it decides *New York* and before the December 31 statutory deadline. Accordingly, the government would oppose any such extension request.

Sincerely,

Jeffrey B. Wall
Acting Solicitor General

cc: See Attached Service List

20-0561

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