

IN THE
Supreme Court of the United States

ERIK EGBERT,

Petitioner,

v.

ROBERT BOULE,

Respondent.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOINT MOTION TO FILE REVISED REDACTED JOINT APPENDIX

Pursuant to this Court’s Rule 21, Petitioner Erik Egbert, Respondent Robert Boule, and the United States respectfully move the Court to permit the filing of the Revised Redacted Joint Appendix. The parties are also filing a proposed Revised Redacted Joint Appendix concurrently with this motion; the proposed Revised Redacted Joint Appendix removes many of the previous redactions and makes additional information publicly accessible.

On January 18, 2022, this Court granted Mr. Boule’s Motion for Leave to File the Joint Appendix Under Seal. The Joint Appendix contains material that was designated confidential under a protective order stipulated among the parties, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement, and entered by the district court (Dist. Ct. Dkt. 53 (hereinafter “Protective Order”)). The Protective Order

(¶ 4.3) provides that “[b]efore filing confidential material or discussing or referencing such material in court filings, the filing party shall confer with the designating party to determine whether the designating party will remove the confidential designation, whether the document can be redacted, or whether a motion to seal or stipulation and proposed order is warranted.”

Following the filing of the Joint Appendix, Petitioner Erik Egbert, Respondent Robert Boule, and the United States, on behalf of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, continued to confer concerning whether certain material designated as confidential under the Protective Order by the parties and/or the United States in the lower courts continued to need to be designated as confidential. The designating parties and the United States have determined that the confidential designation for many of the materials included in the Joint Appendix may be removed, and that these portions of the Joint Appendix no longer need to remain sealed and may be filed publicly. Further, unsealing these materials may aid the parties in their presentation of oral argument scheduled for March 2, 2022, and may aid the Court by permitting public discussion of the factual background of the case in any opinion.

Accordingly, the parties now jointly move for an order allowing the filing of the Revised Redacted Joint Appendix.

For the foregoing reasons, the motion to file the Revised Redacted Joint Appendix should be granted.

Respectfully submitted,

/s/ Sarah M. Harris

SARAH M. HARRIS
Counsel of Record
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
Washington, DC 20005
(202) 434-5599
sharris@wc.com
Counsel for Petitioner

/s/ Felicia H. Ellsworth

FELICIA H. ELLSWORTH
Counsel of Record
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6687
Felicia.Ellsworth@wilmerhale.com
Counsel for Respondent Robert Boule

/s/ Elizabeth B. Prelogar

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE SOLICITOR GENERAL
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2217
SupremeCtBriefs@USDOJ.gov
Counsel for Amicus Curiae United States

FEBRUARY 18, 2022

CERTIFICATE OF SERVICE

I, Felicia H. Ellsworth, a member of the bar of this Court, hereby certify that on this 18th day of February, 2022, I caused all parties requiring service in this matter to be served copies of the Joint Motion to File Revised Redacted Joint Appendix and Revised Redacted Joint Appendix by overnight courier to the addresses below.

Counsel for Petitioner

SARAH M. HARRIS
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
Washington, DC 20005
(202) 434-5599
sharris@wc.com

Counsel for Amicus Curiae United States

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE SOLICITOR GENERAL
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2217
SupremeCtBriefs@USDOJ.gov

/s/ Felicia H. Ellsworth
FELICIA H. ELLSWORTH
Counsel of Record
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6687
Felicia.Ellsworth@wilmerhale.com