

IN THE SUPREME COURT OF THE UNITED STATES

No. 22-859

SECURITIES AND EXCHANGE COMMISSION, PETITIONER

v.

GEORGE R. JARKESY, JR., ET AL.

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

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX

Pursuant to Rule 26.8 of the Rules of this Court, the Solicitor General, on behalf of the petitioner, respectfully seeks leave to dispense with the requirement of a joint appendix in this case. The questions presented are (1) whether statutory provisions that empower the Securities and Exchange Commission (SEC) to initiate and adjudicate administrative enforcement proceedings seeking civil penalties violate the Seventh Amendment, (2) whether statutory provisions that authorize the SEC to choose to enforce the securities laws through an agency adjudication instead of filing

a district court action violate the nondelegation doctrine, and (3) whether Congress violated Article II by granting for-cause removal protection to administrative law judges (ALJs) in agencies whose heads enjoy for-cause removal protection. The opinions of the court of appeals and SEC and the ALJ's initial decision are appended to the petition for a writ of certiorari. In our view, no other portion of the record merits special attention warranting the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of this case.

Counsel for respondents has authorized us to state that respondents consent to this motion.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record

JULY 2023