

W A I V E R

SUPREME COURT OF THE UNITED STATES

No. 23-5183

Herschaft

(Petitioner)

N.Y.C. Campaign Finance Board

V.

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate box:

- ☒ I am filing this waiver on behalf of all respondents.
- ☐ I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

Please check the appropriate box:

- ☒ I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- ☐ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature:

Jamison Davies

Digitally signed by Jamison Davies
Date: 2023.08.24 11:57:44 -04'00'

Date:

8/24/23

(Type or print) Name

Jamison Davies

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

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A copy of this form must be sent to petitioner's counsel or to petitioner if *pro se*. Please indicate below the name(s) of the recipient(s) of a copy of this form. No additional certificate of service or cover letter is required.

cc:

Allan Herschaft, petitioner pro se



HON. SYLVIA O. HINDS-RADIX
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August 24, 2023

Hon. Scott S. Harris, Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: *Herschaf v. N.Y.C. Campaign Finance Board*
Pet. No. 23-5183

Dear Mr. Harris:

I am writing to notify the Court that this office will not be appearing for the New York City Campaign Finance Board in this case.

By order dated September 28, 2022, the U.S. District Court for the Eastern District of New York (Matsumoto, J.) *sua sponte* dismissed plaintiff's complaint on res judicata grounds, apparently before the defendant was served. The Court also certified that any appeal from the order would not be taken in good faith and therefore denied *in forma pauperis* status on appeal. The U.S. Court of Appeals for the Second Circuit affirmed on April 4, 2023.

This office did not appear on behalf of the New York City Campaign Finance Board in the court below. *See* Non-Appearance Letter, *Herschaf v. N.Y.C. Campaign Finance Board*, No. 22-2822, Dkt. No. 20 (2d Cir. Nov. 15, 2022). Therefore, this office does not intend to appear before this Court, or to file a response to the petition for a writ of certiorari, as indicated on the annexed Waiver form.

Thank you in advance for your consideration.

Respectfully,

Jamison Davies
Assistant Corporation Counsel

cc: Allen S Herschaft, Plaintiff-Petitioner *Pro Se* (by U.S. Mail)