



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

December 9, 2019

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: Department of Homeland Security, et al. v. Thuraissigiam, No. 19-161

Dear Mr. Harris:

Pursuant to Supreme Court Rule 32.3, we propose to lodge with the Court non-record materials in connection with the above-referenced case.

On October 18, 2019, the Court granted a petition for a writ of certiorari in this case. Oral argument is scheduled for March 2, 2020. The government plans to file its opening brief today.

This case involves the question whether, as applied to respondent, the limitations on judicial review in the statutorily-prescribed procedures for expedited removal are unconstitutional under the Suspension Clause, U.S. Const. Art. I, § 9, Cl. 2. The administrative procedures that respondent was afforded could be relevant to the Court's resolution of that question. As such, the parties plan to file today a joint appendix that includes a record of respondent's interviews with U.S. Customs and Border Patrol agents and asylum officers. The joint appendix also includes the relevant order of the immigration judge. It does not, however, include a transcript of the hearing held before the immigration judge on March 17, 2017, because that transcript was not included in the record in the court of appeals.

Because that transcript may be relevant to the Court's resolution of the case, the United States respectfully requests that it be lodged with the Court and circulated to Chambers. Respondent has consented to this request.

Sincerely,

Noel J. Francisco
Solicitor General

cc: See Attached Service List

19-0161

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