

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-1029

CITY OF AUSTIN, TEXAS, PETITIONER

v.

REAGAN NATIONAL ADVERTISING OF AUSTIN, INC., ET AL.

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

MOTION OF THE UNITED STATES FOR LEAVE TO PARTICIPATE
IN ORAL ARGUMENT AS AMICUS CURIAE, FOR DIVIDED ARGUMENT,
AND FOR ENLARGEMENT OF TIME FOR ARGUMENT

Pursuant to Rule 28 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as an amicus curiae supporting petitioner; that the time allotted for oral argument be enlarged to 65 minutes; and that the United States be allowed 15 minutes of argument time. Petitioner and respondents have consented to this motion, and petitioner has agreed to cede ten minutes of its argument time to the United States.

This case concerns the constitutionality of a municipal sign ordinance that distinguishes between an on-premises sign (a sign connected to activities conducted at the site where the sign is located) and an off-premises sign (a sign that lacks such a connection). The United States has a substantial interest in the resolution of issues concerning the constitutionality of such distinctions. The Department of Transportation, for example, implements the Highway Beautification Act of 1965, Pub. L. No. 89-285, § 101, 79 Stat. 1028 (23 U.S.C. 131), which encourages States to limit off-premises signs along certain major highways in the interest of promoting highway safety and preserving natural beauty. Although the ordinance at issue here differs from the Highway Beautification Act, the analysis that the Court adopts in this case may have ramifications for that Act, as well as other federal regulations.

The United States has previously presented oral argument as amicus curiae in cases concerning the constitutionality of municipal sign ordinances, including in Reed v. Town of Gilbert, 576 U.S. 155 (2015), on which the court of appeals chiefly relied in holding the ordinance at issue here unconstitutional. See also City of Ladue v. Gilleo, 512 U.S. 43 (1994). In light of the substantial federal interest in the question presented, the United States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

BRIAN H. FLETCHER
Acting Solicitor General
Counsel of Record

AUGUST 2021