

No. 20-1675

IN THE
SUPREME COURT OF THE UNITED STATES

MELVIN L. PHILLIPS, INDIVIDUALLY AND AS TRUSTEE, *et al.*,

Petitioners,

v.

ONEIDA INDIAN NATION,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

RESPONSE TO MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE*

The “various judicial proceedings” (proposed Br. at 1), in which the proposed *amicus curiae* represented Petitioners include this case in the Second Circuit, where she remains listed on the docket as counsel. *See* Pet. App. 5a (listing counsel on the briefs); Pet. App. 78a-80a (notice of appeal). Respondent declined to consent to submission of what amounts to a second filing on behalf of the same parties. Although the proposed *amicus curiae* also purports to represent the interests of “certain non-Indian landowners who hold title similar to Petitioner” (proposed Br. at 1), the title at issue in this case is based on a 2015 quit claim transfer from one Petitioner to the other of never-ceded tribal reservation land to which no land title had ever been

recorded before 2015. See Pet. App. 11a (describing quitclaim deed), 16a-20a (analyzing claim).

The Court should deny the motion for leave to file the proposed Brief.

Respectfully submitted,

/s/ Michael R. Smith
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CERTIFICATE OF SERVICE

I hereby certify that, on June 22, 2021, an electronic copy of the foregoing Response To Motion For Leave To File Brief Of *Amicus Curiae* was filed with the Clerk of Court using the ECF system and thereby served upon all counsel appearing in this case.

/s/ Michael R. Smith
Michael R. Smith