

No. 22A337

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IN THE SUPREME COURT OF THE UNITED STATES

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SENATOR LINDSEY GRAHAM,

*Applicant,*

v.

FULTON COUNTY SPECIAL PURPOSE GRAND JURY,

*Respondent.*

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**Emergency Application for Stay  
from the United States Court of Appeals for the Eleventh Circuit (No. 22-12696)**

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**MOTION OF PROFESSOR DEREK T. MULLER TO FILE  
*AMICUS CURIAE* BRIEF IN SUPPORT OF APPLICANT**

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Proposed *Amicus* respectfully requests leave of the Court to (1) file the attached *amicus curiae* brief in support of the emergency application to stay the Eleventh Circuit's decision, (2) file the brief in unbound format under Rule 33.2, and (3) file the brief without ten day's advance notice to the parties.

*Amicus* Derek T. Muller holds the Ben V. Willie Professorship in Excellence at the University of Iowa College of Law. He teaches and researches in the areas of election law and federal courts. He has taught and written extensively about the rules concerning federal elections and testified before Congress in support of the Electoral Count Reform and Presidential Transition Improvement Act of 2022.

*Amicus* fully supports Applicant's request for a stay of the Eleventh Circuit's decision. He respectfully seeks to submit this brief to bring to the Court's attention additional arguments that underscore the likelihood of Graham's success on the merits and how the public interest strongly favors issuing a stay.

Because of the time-sensitive nature of the emergency application, proposed *Amicus* requests permission to file the brief in unbound format under Rule 33.2, and without ten days' notice to all parties as ordinarily required by Rule 37.2(a). Applicant filed his emergency application on Friday, October 21, 2022, and this Court called for a response by 5:00 pm on Thursday, October 27. In light of this compressed timeline, there was insufficient time for the proposed *Amicus* to prepare his brief for printing and filing in booklet form. Nor were proposed *Amicus* able to provide the parties with ten days' notice.

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For the foregoing reasons, proposed *Amicus* respectfully requests that the Court grant this motion to file the attached brief and accept it in the format and at the time submitted.

Date: October 25, 2022

Respectfully submitted,

*/s/ Thomas R. Lee* \_\_\_\_\_

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