IN THE SUPREME COURT OF THE UNITED STATES

No. 24-781

FIRST CHOICE WOMEN'S RESOURCE CENTERS, INC., PETITIONER

v.

MATTHEW J. PLATKIN, ATTORNEY GENERAL OF NEW JERSEY

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

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

Pursuant to Rule 28 of the Rules of this Court, the 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 and that the time be allotted as follows: 20 minutes for petitioner, 10 minutes for the United States, and 30 minutes for respondent. Counsel for petitioner consents to this motion.

This case presents the question whether a federal suit challenging a subpoena issued by a state attorney general is justiciable if a state court has not yet issued an order directing

the recipient to comply with the subpoena. The United States has a substantial interest in the resolution of that question.

First, Congress has authorized many federal agencies to issue subpoenas. See, e.g., 8 U.S.C. 1225(d)(4) (Attorney General); 15 U.S.C. 49 (Federal Trade Commission); 15 U.S.C. 78u(b) (Securities and Exchange Commission); 29 U.S.C. 209 (Secretary of Labor); 33 U.S.C. 1319(g)(10) (Environmental Protection Agency). Respondent observes that some courts of appeals have "rejected any distinction between state and federal subpoenas" and have perceived "no reason why a state's non-self-executing subpoena should be ripe for review when a federal equivalent would not be." Br. in Opp. 19 (citation and internal quotation marks omitted). The United States has a significant interest in addressing the circumstances under which parties may bring pre-enforcement challenges to federal subpoenas and in explaining the differences between such challenges and challenges to state subpoenas.

Second, the United States has a significant interest in the interpretation of Article III's case-or-controversy requirement and in the development of standing and ripeness doctrine. Standing and ripeness issues routinely arise in suits involving the federal government. The United States thus has participated as amicus curiae in previous cases concerning the justiciability of suits against state defendants. See, e.g., Uzuegbunam v. Preczewski, 592 U.S. 279 (2021) (No. 19-968); Wittman v. Personhuballah, 578

U.S. 539 (2016) (No. 14-1504); Susan B. Anthony List v. Driehaus, 573 U.S. 149 (2014) (No. 13-193).

Finally, the United States has a significant interest in protecting constitutional rights from state interference and in ensuring the proper application of 42 U.S.C. 1983. The United States has participated as amicus curiae in previous cases concerning the availability of Section 1983 suits against state actors who allegedly violate federal constitutional rights. See, e.g., Chiaverini v. City of Napoleon, 602 U.S. 556 (2024) (No. 23-50); Vega v. Tekoh, 597 U.S. 134 (2022) (No. 21-499); Knick v. Township of Scott, 588 U.S. 180 (2019) (No. 17-647).

The United States' participation in oral argument thus could materially assist the Court in its consideration of this case.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

AUGUST 2025