IN THE SUPREME COURT OF THE UNITED STATES

No. 26-204

UNITED STATES DEPARTMENT OF JUSTICE, ET AL., PETITIONERS

v.

SCOTT MCNUTT, ET AL.

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

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX

Pursuant to Rules 21 and 26.8 of the Rules of this Court, the Solicitor General, on behalf of petitioners, respectfully seeks leave to dispense with the requirement of a joint appendix in this case. The question presented is whether the restriction on producing distilled spirits in particular locations, including "in any dwelling house" or "in any shed, yard, or inclosure connected with any dwelling house," 26 U.S.C. 5178(a)(1)(B), is necessary and proper for carrying into execution Congress's enumerated power to lay and collect taxes. The opinion of the court of appeals and the opinion and order of the district court are reproduced in the

appendix to the petition for a writ of certiorari. In our view, no other portion of the record merits special attention warranting the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of this case.

Counsel for respondents has authorized us to state that respondents consent to this motion.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

NOVEMBER 2026