18-557 IN RE DEPARTMENT OF COMMERCE V.

DECISION BELOW: MULTIPLE

LOWER COURT CASE NUMBER: 18-2856, 18-2857

QUESTION PRESENTED:

Whether, in an action seeking to set aside agency action under the Administrative Procedure Act, 5 U.S.C. 701 *et seq*., a district court may order discovery outside the administrative record to probe the mental processes of the agency decisionmaker-including by compelling the testimony of high-ranking Executive Branch officials-when there is no evidence that the decisionmaker disbelieved the objective reasons in the administrative record, irreversibly prejudged the issue, or acted on a legally forbidden basis.

PETITION FOR A WRIT OF MANDAMUS IS TREATED AS A PETITION FOR A WRIT OF CERTIORARI. EXPEDITED BRIEFING.

CERT. GRANTED 11/16/2018