

The movants, America's Future, U.S. Constitutional Rights Legal Defense Fund, Tennessee Firearms Association, Tennessee Firearms Foundation, Citizens United, Citizens United Foundation, The Presidential Coalition, and Conservative Legal Defense and Education Fund, through their undersigned counsel, hereby request leave of this Court to file their Supplemental Brief *Amicus Curiae* in Support of Defendants-Appellants on Rehearing *En Banc* in the above-captioned action.

The grounds in support of this motion are as follows:

1. America's Future, U.S. Constitutional Rights Legal Defense Fund, Tennessee Firearms Association, Tennessee Firearms Foundation, Citizens United, Citizens United Foundation, and Conservative Legal Defense and Education Fund, are nonprofit organizations, exempt from federal income tax under the IRC. They exist in order to promote and support the rights of Americans, including the right to keep and bear arms under federal and state constitutional provisions. The Presidential Coalition is an IRC § 527 political committee.

2. America's Future, *et al.*'s Supplemental Brief *Amicus Curiae* is timely. Although the Federal Rules of Appellate Procedure do not provide a deadline for the filing of an *amicus* brief at the supplemental briefing stage during rehearing *en banc*, both Rule 29(a)(6) specifies the filing of an *amicus curiae* brief during initial

consideration on the merits 7 days after the filing of the principal brief of the party supported and Rule 29(b)(5) of the Federal Rules of Appellate Procedure provides that an *amicus curiae* brief must be filed “no later than 7 days after the petition is filed.” In all other respects, America’s Future, *et al.*’s Supplemental Brief *Amicus Curiae* complies with the Federal Rules of Appellate Procedure, as well as the applicable Internal Operating Procedures of this Court, including with respect to content and form and with respect to length, as the brief is no more than 6,500 words.

3. Counsel for the movants have contacted counsel for the Appellants and Appellee, both of whom have consented to the filing of this Supplemental Brief *Amicus Curiae*.

4. This case raises broad and important issues, with implications far beyond floating barriers on the Rio Grande, for the millions of members and supporters of *amici* organizations. The Supplemental Brief *Amicus Curiae* that movants seek leave to submit addresses several of the important aspects of this case, and identifies specific reasons why the district court’s conclusions, affirmed by a panel of this Court (whose opinion has been vacated), should be reconsidered and reversed by this Court.

5. Most of these *amici* have filed other *amicus* briefs in important cases

involving the roles of the federal and state governments in the enforcement of this nation's immigration laws, including in this Court.

WHEREFORE, the movants, *amici curiae* America's Future, *et al.*, pray that their motion be granted and that they be given leave to file their Supplemental Brief *Amicus Curiae* in Support of Defendants-Appellants on Rehearing *En Banc* in this matter.

Respectfully submitted,

/s/ William J. Olson

William J. Olson*

Jeremiah L. Morgan

Robert J. Olson

WILLIAM J. OLSON, P.C.

370 Maple Avenue W, Suite 4

Vienna, Virginia 22180-5615

(703) 356-5070

*Attorney of Record

Attorneys for Movants, *Amici Curiae*
America's Future, *et al.*

CERTIFICATE OF COMPLIANCE WITH RULE 32(g)

IT IS HEREBY CERTIFIED:

1. That the foregoing Motion for Leave to File Supplemental Brief *Amici Curiae* of America's Future, *et al.*, on Rehearing *En Banc* in Support of Defendants-Appellants and Reversal, complies with the type-volume limitation of Rule 27(d)(2)(A), Federal Rules of Appellate Procedure, because this motion contains 476 words, excluding the parts of the motion exempted by Rule 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using WordPerfect 2021 in 14-point Times New Roman.

/s/ William J. Olson
William J. Olson
Counsel for Movants

Dated: February 23, 2024

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing Motion for Leave to File Supplemental Brief *Amici Curiae* of America's Future, *et al.*, on Rehearing *En Banc* in Support of Defendants-Appellants and Reversal, was made, this 23rd day of February, 2024, by the Court's Case Management/Electronic Case Files system upon the attorneys for the parties.

/s/ William J. Olson

William J. Olson
Attorney for *Amici Curiae*