

No.

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**In the Supreme Court of the United States**

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IN RE DONALD J. TRUMP

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*ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT*

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

The Foreign Emoluments Clause provides that no person holding an “Office of Profit or Trust” under the United States “shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.” U.S. Const. Art. I, § 9, Cl. 8. The Domestic Emoluments Clause provides that, apart from the President’s compensation for the period for which he is elected, he “shall not receive within that Period any other Emolument from the United States, or any of them.” U.S. Const. Art. II, § 1, Cl. 7. In this case, the District of Columbia and the State of Maryland sued President Donald J. Trump, in his official capacity, asserting an implied cause of action to enforce the Emoluments Clauses. The district court denied a motion to dismiss and refused to certify an interlocutory appeal under 28 U.S.C. 1292(b). A panel of the court of appeals granted the President’s petition for a writ of mandamus, but the en banc court of appeals, by a 9-6 vote, held that mandamus was not available here. The questions presented are:

1. Whether a writ of mandamus is appropriate because, contrary to the holding of the court of appeals, the district court’s denial of the President’s motion to dismiss was clear and indisputable legal error.

2. Whether a writ of mandamus is appropriate, contrary to the holding of the court of appeals, where the district court’s refusal to grant the President’s motion to certify an interlocutory appeal was a clear abuse of discretion under 28 U.S.C. 1292(b).

(I)

### PARTIES TO THE PROCEEDING

Petitioner Donald J. Trump, in his official capacity as President of the United States, was defendant in the district court and petitioner in the court of appeals. Donald J. Trump, in his individual capacity, was also defendant in the district court; although he was not a party to this mandamus petition in the court of appeals, he was appellant in a separate appeal.

Respondents, the District of Columbia and the State of Maryland, were plaintiffs in the district court and respondents to this mandamus petition in the court of appeals (and appellees in the separate appeal).

### RELATED PROCEEDINGS

United States District Court (D. Md.):

*The District of Columbia & the State of Maryland v. Donald J. Trump*, No. 17-cv-1596 (Mar. 28, 2018)  
(denying in part motion to dismiss)

*The District of Columbia & the State of Maryland v. Donald J. Trump*, No. 17-cv-1596 (July 25, 2018)  
(denying in part motion to dismiss)

*The District of Columbia & the State of Maryland v. Donald J. Trump*, No. 17-cv-1596 (Nov. 2, 2018)  
(denying interlocutory certification)

United States Court of Appeals (4th Cir.):

*In re Donald J. Trump*, No. 18-2486 (July 10, 2019)  
(panel decision)

*In re Donald J. Trump*, No. 18-2486 (May 14, 2020)  
(decision on rehearing en banc)

(II)

III

*District of Columbia; State of Maryland v. Donald J. Trump*, No. 18-2488 (July 10, 2019) (panel decision)

*District of Columbia; State of Maryland v. Donald J. Trump*, No. 18-2488 (decision on rehearing en banc)

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