

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5254

September Term, 2021

1:21-cv-02769-TSC

Filed On: November 23, 2021

Donald J. Trump, in his capacity as the 45th
President of the United States,

Appellant

v.

Bennie G. Thompson, in his official capacity
as Chairman of the United States House
Select Committee to Investigate the January
6th Attack on the United States Capitol, et al.,

Appellees

BEFORE: Millett, Wilkins, and Jackson, Circuit Judges

ORDER

It is **ORDERED**, on the court's own motion, that the parties be prepared to address the following questions at oral argument: Does the provision in the Presidential Records Act providing that the Archivist's "determination whether access to a Presidential record . . . shall be restricted . . . shall not be subject to judicial review, except as provided in subsection (e) of this section," 44 U.S.C. § 2204(b)(3) (citing 44 U.S.C. § 2204(e)), implicate this court's or the district court's jurisdiction in this case? See, e.g., National Coalition to Save Our Mall v. Norton, 269 F.3d 1092, 1094-95 (D.C. Cir. 2001). If so, what effect, if any, do §§ 2204(b)(3) and 2204(e) have on the subject matter jurisdiction of the district court to adjudicate any of the requests listed in the Complaint's Claim for Relief?

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Laura Chipley
Deputy Clerk