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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DON WAGNER; and THE AMERICAN
INDEPENDENT PARTY OF
CALIFORNIA,
Plaintiffs,

v.

SHIRLEY WEBER, in her official capacity
as Secretary of State of the State of
California,
Defendant.

Case No. 8:26-cv-01263

**UNITED STATES' NOTICE OF
MOTION TO INTERVENE**

Hearing Date: August 10, 2026
Hearing Time: 9:00 a.m.
Ctrm: 7C

Honorable Mark C. Scarsi
United States District Judge

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NOTICE OF MOTION AND MOTION TO INTERVENE

PLEASE TAKE NOTICE that, on August 10, 2026, as soon thereafter as it may be heard, the United States will, and hereby does, move this Court for an order permitting the United States to intervene as Plaintiff-Intervenor in this case under Federal Rule of Civil Procedure 24(a)(2) or 24(b)(2)(A). This motion will be made in the Felicitas and Gonzalo Mendez United States Courthouse before the Honorable Mark C. Scarsi, United States District Judge, located at 350 W. 1st Street, Los Angeles, CA 90012.

The United States brings the motion on the grounds stated in the attached Memorandum of Points and Authorities, the proposed Complaint in intervention (attached as Exhibit A), and all pleadings, records, and other documents on file with the Court in this action, and upon such oral argument as may be presented at the hearing of this motion.

This motion is made following the conference of counsel pursuant to Local Rule 7-3, which was held on July 10, 2026.

Dated: July 13, 2026

Respectfully submitted,

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MEMORANDUM OF POINTS AND AUTHORITIES

The United States, by and through the Attorney General, moves to intervene in this action as a Plaintiff. The Attorney General has standing to enforce the National Voter Registration Act (“NVRA”) and the Help America Vote Act (“HAVA”). *See* 52 U.S.C. § 20510(a) (NVRA); 52 U.S.C. § 21111 (HAVA). The United States has a strong interest in enforcing these laws.

Intervention is appropriate under Federal Rule of Civil Procedure 24(a)(2) and 24(b)(2)(A). Under L.R. 7-3, counsel for the United States conferred with counsel for the appeared parties. Plaintiffs consented to the relief sought in the Motion and Defendant’s counsel has yet to enter an appearance in this action. For the reasons specified below, the Court should grant the Motion to Intervene and permit the United States to file the proposed Complaint in Intervention attached as Exhibit A.

I. BACKGROUND

On May 20, 2026, Plaintiffs Don Wagner and the American Independent Party of California (“Plaintiffs”) filed their Complaint in this action against Shirley N. Weber, Secretary of State for the State of California (“Secretary Weber”). Plaintiffs allege that Secretary Weber has not complied with the voter list maintenance requirements of Section 8 of the NVRA, 52 U.S.C. § 20507. Complaint, ECF 1. Plaintiffs allege that a number of irregularities in the elections data that Secretary Weber provided to the U.S. Election Assistance Commission (“EAC”), and which was published in the EAC’s biennial Election Administration and Voting Survey report (“EAVS Report”), indicate lack of compliance with NVRA. *Id.* ¶¶ 16-36. Specifically, Secretary Weber reported that for the two-year period from November 2022 to November 2024 ten counties in California with nearly 1.8 million registered voters removed no one from the list of eligible voters based on movement out of the county. *Id.* ¶ 20. In other words, according to Secretary Weber’s report, not a single one of the 1.8 million registered voters in these ten counties moved out of the State of California or even to a different county from November 2022 to November 2024.

1 In addition, Secretary Weber further reported that another ten counties with over 1.6
2 million registered voters each removed fewer than 50 voters during that same period.
3 *Id.* ¶ 21. Three additional counties removed less than one percent of registered voters.
4 *Id.* ¶¶ 25-28. Plaintiffs allege that the absence or small number of removals is
5 inconsistent with Census estimates of hundreds of thousands of California residents
6 who indicated they moved during that same period. *Id.* ¶¶ 31-36. Plaintiffs’
7 Complaint includes a single count, alleging a violation of Section 8(a)(4) of the
8 NVRA, 52 U.S.C. § 20507(a)(4). Plaintiffs allege that Secretary Weber has failed to
9 confirm that the State of California’s counties comply with their list maintenance
10 responsibilities. *Id.* ¶¶ 37-54. Plaintiffs also allege that Secretary Weber has failed
11 to implement a reasonable program to remove deceased voters from the registration
12 list. *Id.* ¶¶ 55-57.

13 Plaintiffs request relief including a permanent injunction barring Secretary
14 Weber from violating Section 8(a)(4) of the NVRA and mandating Secretary Weber
15 maintain a general program that makes a reasonable effort to remove ineligible voters
16 as required by the NVRA. Compl. at 16-17, ECF 1.

17 II. LEGAL ARGUMENT

18 A. United States has a Right to Intervene Under Fed. R. Civ. P. 24(a)(2)

19 Federal Rule of Civil Procedure 24(a)(2) permits a party to intervene as of right
20 whenever such a party “claims an interest relating to the ... transaction that is the
21 subject of the action, and is so situated that disposing of the action may as a practical
22 matter impair or impede the movant's ability to protect its interest, unless existing
23 parties adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). Under the
24 governing Ninth Circuit precedent, a court analyzing a motion to intervene under
25 Rule 24(a)(2) applies a four-part test:

26 (1) the motion must be timely; (2) the applicant must claim a
27 “significantly protectable” interest relating to the property or
28 transaction which is the subject of the action; (3) the applicant
must be so situated that the disposition of the action may as a

1 practical matter impair or impede its ability to protect that
2 interest; and (4) the applicant's interest must be inadequately
3 represented by the parties to the action.

4 *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011). The
5 United States meets each part of this test. The Ninth Circuit “construe[s] Rule 24(a)
6 liberally in favor of potential intervenors.” *California ex rel. Lockyer v. United States*,
7 450 F.3d 436, 440 (9th Cir. 2006).

8 *1. The motion is timely.*

9 The timeliness inquiry focuses on the stage of the proceeding of the litigation
10 as well as any potential prejudice to the existing parties. *See Smith v. L.A. Unified*
11 *Sch. Dist.*, 830 F.3d 843, 854 (9th Cir. 2016). With respect to the first factor, the
12 Ninth Circuit has cautioned that “delay can strongly weigh against intervention,
13 particularly where the district court has substantively—and substantially—engaged
14 the issues in the case.” *Id.* (cleaned up). At the same time, “the mere lapse of time,
15 without more, is not necessarily a bar to intervention.” *Id.* (quoting *United States v.*
16 *Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004)). Here, all factors weigh in
17 favor of intervention. The underlying suit was filed less than two months ago, and
18 the District Court did not “engage[] the issues in the case” substantively or otherwise.
19 Thus, given the early stage of the proceedings and the fact that there has been no
20 delay in seeking intervention, the United States easily meets the first prong of the
21 timeliness analysis.

22 Nor is there any prejudice to existing parties, meaning that the second prong is
23 satisfied as well. Plaintiffs consent to the proposed intervention. Secretary Weber
24 has not yet filed an answer or any motion under Fed. R. Civ. P. 12. Indeed, at the
25 time of filing the present motion, Secretary Weber has not even entered an
26 appearance. It is therefore difficult to imagine how Secretary Weber would be
27 prejudiced by intervention. In any event, as the Ninth Circuit explained, for the
28 purposes of timeliness analysis, a party is “prejudiced” only if an earlier-filed motion

1 to intervene would not have raised a particular problem created by the later-filed
2 motion. *See Smith*, 830 F.3d at 895 (“[O]ur inquiry is properly narrowed to the
3 prejudice attributable to Appellants’ delay in moving to intervene after the time
4 Appellants knew, or reasonably should have known, that their interests were not
5 being adequately represented by existing parties.”); *United States v. State of Oregon*,
6 745 F.2d 550, 552-53 (9th Cir. 1984). It is highly unlikely that Secretary Weber will
7 be able to show that she has suffered any prejudice from the fact that this motion was
8 not filed two months ago. Accordingly, the motion is timely.

9
10 2. *United States has a “significantly protectable interest” in this litigation.*

11 “An applicant for intervention has a significantly protectable interest if the
12 interest is protected by law and there is a relationship between the legally protected
13 interest and the plaintiff’s claims.” *Alisal Water*, 370 F.3d at 919. “Whether an
14 applicant for intervention as of right demonstrates sufficient interest in an action is a
15 ‘practical, threshold inquiry,’ and ‘no specific legal or equitable interest need be
16 established.’” *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 837 (9th Cir.), *as*
17 *amended on denial of reh’g* (May 30, 1996) (quoting *Greene v. United States*, 996
18 F.2d 973, 976 (9th Cir. 1993), *aff’d*, 64 F.3d 1266 (9th Cir. 1995)). United States has
19 an interest in ensuring compliance with duly enacted federal laws. It is well settled
20 that “the United States suffers a concrete harm to its sovereignty when its laws are
21 violated[.]” *La Unión del Pueblo Entero v. Abbott*, 604 F. Supp. 3d 512, 526 (W.D.
22 Tex. 2022). Indeed, “[w]hen a State, . . . by a law or pattern of conduct, takes action
23 motivated by a policy which collides with national policy as embodied in the
24 Constitution, the interest of the United States ‘to promote the interest of all’ gives it
25 standing to challenge the State in the courts.” *United States v. City of Jackson*, 318
26 F.2d 1, 14 (5th Cir. 1963). As the Supreme Court explains it, the United States suffers
27 “injury to its sovereignty” when its laws are violated, and that such an injury is
28 sufficient to establish Article III standing. *Vt. Agency of Nat. Res. v. U.S. ex rel.*
Stevens, 529 U.S. 765, 771 (2000). And if such an injury is sufficient for standing

1 purposes, *a fortiori* it is sufficient for the purposes of intervention. *See Little Sisters*
2 *of the Poor Sts. Peter and Paul Home v. Pennsylvania*, 591 U.S. 657, 674 n.6 (2020).

3 Here, the United States alleges a violation of not one, but two federal statutes,
4 one of which explicitly and exclusively authorizes the Attorney General to bring
5 enforcement actions. United States has standing to enforce both HAVA and NVRA.
6 It therefore follows that the United States has a “significantly protectable interest” in
7 this litigation.

8 3. *Disposition of this action may “impede or impair” United States’ interest.*

9 Under the Ninth Circuit precedent, in order to show that a disposition of the
10 litigation may “impede or impair” his interest, the proposed intervenor need not show
11 that he will be bound by the decree of the court. Rather, it is sufficient to show that
12 the court’s judgement will have precedential value in resolution of a similar case in
13 which the proposed intervenor has interest. *See Yniguez v. State of Ariz.*, 939 F.2d
14 727, 735 (9th Cir. 1991) (holding that a district court’s judgment while not directly
15 binding on Arizona state courts, may nonetheless serve as persuasive authority, and
16 that the possibility of such an outcome is sufficient to show that the proposed
17 intervenors have shown that their legal interest may be impaired). Here, a judgment
18 in favor of Secretary Weber may impair United States’s interest because it will serve
19 as persuasive authority for other courts evaluating United States’ claims under the
20 same statute.

21 4. *Existing parties do not adequately represent United States’ interest.*

22 “[T]he requirement of inadequacy of representation is satisfied if the applicant
23 shows that representation of its interests ‘may be’ inadequate and that the burden of
24 making this showing is minimal.” *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525,
25 528 (9th Cir. 1983). In evaluating whether an existing party can adequately represent
26 the intervenor, the Ninth Circuit looks at three factors: “(1) whether the interest of a
27 present party is such that it will undoubtedly make all of a proposed intervenor’s
28 arguments; (2) whether the present party is capable and willing to make such

1 arguments; and (3) whether a proposed intervenor would offer any necessary
2 elements to the proceeding that other parties would neglect.” *Arakaki v. Cayetano*,
3 324 F.3d 1078, 1086 (9th Cir. 2003).

4 With respect to HAVA the analysis is straight-forward: Plaintiffs are not
5 statutorily authorized to bring a claim under that statute; rather, only the Attorney
6 General can do so. *See* 52 U.S.C. § 20510. Thus, existing Plaintiffs cannot “make
7 all of a proposed intervenor’s arguments” nor are they legally “capable” of doing so.
8 Therefore, Plaintiffs cannot adequately represent United States’ HAVA-based
9 interests.

10 As to NVRA, while private plaintiffs can enforce that statute, such parties still
11 cannot adequately represent the interest of the United States because no private party
12 may adequately represent the United States’ sovereign interest in ensuring
13 enforcement of fundamental rights under the Constitution. “[T]he United States has
14 an interest in enforcing federal law that is independent of any claims of private
15 citizens.” *United States v. E. Baton Rouge Sch. Dist.*, 594 F.2d 56, 58 (5th Cir. 1979);
16 *see also EEOC v. Pemco Aeroplex*, 383 F.3d 1280, 1291 (11th Cir. 2004) (“Quite
17 simply, it is so unusual to find privity between a governmental agency and private
18 plaintiffs because governmental agencies have statutory duties, responsibilities, and
19 interests that are far broader than the discrete interests of a private party.”). Thus,
20 “[a]ggrieved individuals . . . lack the required ‘identity of interests’ with government
21 agencies.” *Acosta v. Idaho Falls Sch. Dist. No. 91*, 291 F. Supp.3d 1162, 1168 (D.
22 Idaho 2017). And absent “identical” interests, there can be no “adequate
23 representation” under Fed. R. Civ. P. 24(a)(2). *See Berger v. N. Carolina State Conf.*
24 *of the NAACP*, 597 U.S. 179, 195-196 (2022) (rejecting a presumption that the state
25 board of elections adequately represented state legislators’ interests merely because
26 they were “related” to the board’s interests). In any event, so long as the United
27 States can intervene on a HAVA claim, it can also bring related claims, because once
28 United States has intervened it must be treated as if it were an original party. *See*

1 *Alvarado v. J.C. Penney Co.*, 768 F. Supp. 769, 774 (D. Kan. 1991), *aff'd*, 997 F.2d
2 803 (10th Cir. 1993) (“Intervenors under Rule 24(a)(2) assume the status of full
3 participants in a lawsuit and are normally treated as if they were original parties once
4 intervention is granted. The intervenor cannot change the issues framed between the
5 original parties, but he is entitled to litigate fully on the merits.”) (internal citations
6 omitted).

7 For all these reasons, United States can intervene in this litigation as of right.

8 **B. The United States Meets the Permissive Intervention Standard Under**
9 **Fed. R. Civ. P. 24(b).**

10 Alternatively, this Court should permit the United States to intervene because
11 the United States meets the requirements for permissive intervention under Rule
12 24(b), which provides as follows:

13 (1) *In General*. On timely motion, the court may permit anyone to
14 intervene who:

15 (B) has a claim or defense that shares with the main action a
16 common question of law or fact.

17 (2) *By a Government Officer or Agency*. On timely motion, the court
18 may permit a federal or state governmental officer or agency to intervene
19 if a party's claim or defense is based on:

20 (A) a statute or executive order administered by the officer or
21 agency; or

22 (B) any regulation, order, requirement, or agreement issued or
23 made under the statute or executive order.

24 In exercising its discretion in ruling on a Rule 24(b) motion, the court “must
25 consider whether the intervention will unduly delay or prejudice the adjudication of
26 the original parties’ rights.” Fed. R. Civ. P. 24(b)(3).

27 Additionally, the proposed intervenor must articulate an independent basis for
28 assertion of the district court’s subject matter jurisdiction over the proposed

1 intervenor's claims. *Donnelly v. Glickman*, 159 F.3d 405, 412 (9th Cir. 1998). In
2 other words, the proposed intervenor may not "bootstrap" off the plaintiff's basis of
3 the court's subject matter jurisdiction.

4 The United States' motion for permissive intervention satisfies the
5 requirements of Rule 24(b)(1)(A), (b)(2)(A), and 24(b)(2)(B).

6 1. *The motion is timely and causes no prejudice.*

7 As explained, the motion to intervene is timely and does not cause any
8 prejudice to any of the existing parties. The same analysis is applicable to Rule 24(b)
9 as is to Rule 24(a). *See League of United Latin Am. Citizens v. Wilson*, 131 F.3d
10 1297, 1308 (9th Cir. 1997) ("In determining timeliness under Rule 24(b)(2), we
11 consider precisely the same three factors ... that we have just considered in
12 determining timeliness under Rule 24(a)(2).").

13 2. *The United States pleaded an independent basis for this Court's Subject*
14 *Matter Jurisdiction.*

15 The Ninth Circuit first requires a proposed intervenor to establish that the
16 proposed intervenor has "an independent basis" for the Court exercising subject
17 matter jurisdiction over the proposed intervenor's claims. *See generally Freedom*
18 *from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 843 (9th Cir. 2011).

19 This Court has subject matter jurisdiction over the United States' NVRA and
20 HAVA claims under 28 U.S.C. §1331 because the United States NVRA and HAVA
21 claims "arise" under those federal statutes and the Attorney General has statutory
22 authority to enforce the provisions of those statutes. 28 U.S.C. §§ 20510 and 21111.

23 3. *The United States' claims share common questions of law and fact with*
24 *Plaintiffs' claims.*

25 Under Rule 24(b)(1)(B), the United States' claims share common questions of
26 law and fact with Plaintiffs' claims in their Complaint. As set forth above, the United
27 States' proposed Complaint in Intervention asserts an NVRA claim against Secretary
28 Weber. The factual basis of the United States' NVRA claim is identical to the factual

1 basis of Plaintiffs' NVRA claim. Moreover, the legal basis of the United States'
2 NVRA claim against Secretary Weber is identical to the legal basis of Plaintiffs'
3 NVRA claims against Secretary Weber.

4 In addition, although the United States is the only party which can bring a
5 HAVA claim this claim enjoys significant overlap with Plaintiffs' NVRA claim.

6 The inclusion of the HAVA claim militates in favor of granting the motion to
7 intervene. *First*, Section 401 of that Act entrusts enforcement of the Act exclusively
8 to the Attorney General. *See* 52 U.S.C. § 21111; *see also* 148 Cong. Rec. S10512
9 (daily ed. Oct. 16, 2002). Consequently, Plaintiffs cannot enforce HAVA's list
10 maintenance and statewide computerized voter list requirements. *See Brunner v.*
11 *Ohio Republican Party*, 555 U.S. 5, 6 (2008) (per curiam) ("Respondents, however,
12 are not sufficiently likely to prevail on the question whether Congress has authorized
13 the District Court to enforce § 303 in an action brought by a private litigant to justify
14 the issuance of a TRO."); *see also Gonzaga Univ. v. Doe*, 536 U.S. 273, 286 (2002)
15 (where "the text and structure of a statute . . . provide no indication that Congress
16 intends to create new individual rights, there is no basis for a private suit."). The
17 additional claim also requests additional relief that Plaintiffs did not ask for. *Second*,
18 granting the motion will help conserve scarce judicial resources. *See Venegas v.*
19 *Skaggs*, 867 F.2d 527, 531 (9th Cir. 1989) ("[J]udicial economy is a relevant
20 consideration in deciding a motion for permissive intervention.").

21 If the Court denies the United States intervention here, Plaintiffs simply cannot
22 raise HAVA violations nor adequately protect the interests of the United States.
23 Instead, the United States would have to bring parallel litigation proceedings
24 involving the same legal and factual issues. The Court's denial would thus raise the
25 potential for inconsistent legal rulings or duplicative remedial orders.

26 Finally, the United States has a strong interest in intervening here to enforce
27 its interests—which neither party can adequately represent. The United States'
28 interest here is in ensuring that California complies with the list maintenance

1 requirements of the NVRA and HAVA. The interests of the United States are not
2 necessarily the same as Plaintiffs', which reinforces the importance of intervention
3 here.

4 *4. The United States' motion satisfies Rule 24(b)(2)(A).*

5 The United States' motion for permissive intervention also satisfies Rule
6 24(b)(2)(A).

7 Under Rule 24(b)(2)(A), the Attorney General of the United States is allowed
8 to intervene in an action "based" on a federal statute the Attorney General
9 "administers." Plaintiffs' claims are based solely on Section 8 of the NVRA. 52
10 U.S.C. § 20507. The Attorney General "administers" NVRA because he is explicitly
11 authorized to enforce it by instituting civil or criminal actions as appropriate. 52
12 U.S.C. §§ 20510-20511. As a result, as an alternative basis for permissive
13 intervention, the United States has satisfied the requirements of Rule 24(b)(2)(A).

14 *5. The United States' motion satisfies Rule 24(b)(2)(B).*

15 The United States' motion for permissive intervention also satisfies Rule
16 24(b)(2)(B).

17 Under Rule 24(b)(2)(B), the Attorney General of the United States is allowed
18 to intervene in the above captioned action if the claims in Plaintiffs' Complaint are
19 based on a federal statute which imposes requirements on Secretary Weber. It is
20 beyond dispute that Section 8 of the NVRA imposes a variety of requirements on the
21 "chief election officer" of California (i.e., Secretary Weber)—requirements which
22 the United States alleges that Secretary Weber violated. 52 U.S.C. § 20507. As a
23 result, as a third alternative basis for permissive intervention, the United States has
24 satisfied the requirements of Rule 24(b)(2)(B).

25 **III. CONCLUSION**

26 For the foregoing reasons, the United States respectfully requests that the Court
27 grant its Motion to Intervene.
28

1 Dated: July 13, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for the United States of America certifies that this brief contains 3,303 words, which complies with the word limit of L.R. 11-6.1.

Dated: July 13, 2026

Respectfully submitted,

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