

**United States Court of Appeals
for the District of Columbia Circuit**

No. 22-5339

CAMPAIGN LEGAL CENTER,

Plaintiff-Appellant,

v.

FEDERAL ELECTION COMMISSION,

Defendant-Appellee.

*On Appeal from the United States District Court for the District of Columbia
in No. 1:22-cv-01976-JEB, James E. Boasberg, U.S. District Judge*

**UNOPPOSED MOTION FOR INVITATION TO PARTICIPATE
AS *AMICUS CURIAE* BY CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON IN SUPPORT OF
APPELLANT'S PETITION FOR REHEARING EN BANC**

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February 27, 2024

Pursuant to Federal Rule of Appellate Procedure 29(b)(2) and D.C. Circuit Rule 35(f), Citizens for Responsibility and Ethics in Washington (“CREW”) requests an invitation to participate as *amicus curiae* in support of Appellant’s Petition for Rehearing En Banc, Doc. # 2041412. No party opposes CREW’s request for an invitation.

CREW’s interest in this matter arises from CREW’s mission to combat corrupting influences in government and to protect citizens’ right to know the source of contributions that fund campaign expenditures. Among its principal activities, CREW monitors FEC filings to ensure complete disclosure as required by law and utilizes those filings to craft reports for public consumption. Further, where CREW detects a violation of our Nation’s campaign finance laws, CREW files complaints with the FEC and, when the FEC fails to enforce, litigates against the FEC pursuant to 52 U.S.C. § 30109(a)(8).

CREW, moreover, was the litigant in the decisions applied below to erroneously terminate judicial review, in contravention of precedent and the Federal Election Campaign Act. *See Campaign Legal Center v. FEC*, 89 F.4th 936, 938–39 (D.C. Cir. 2024) (*citing* *CREW v. FEC* (“*New Models*”), 993 F.3d 880 (D.C. Cir. 2021); *CREW v. FEC* (“*CHGO*”), 892 F.3d 434 (D.C. Cir. 2018)). CREW previously sought en banc review of both of those decisions, but the Circuit

“evenly split” on the first and declined the second, with two judges abstaining.

CREW v. FEC (“New Models II”), 55 F.4th 918, 918, 926 (D.C. Cir. 2022)

(Millett, J., dissenting).

CREW’s proposed brief as *amicus curiae* in support of Appellant’s petition for rehearing en banc is attached to this motion.

Dated: February 27, 2024

Respectfully submitted,

/s/ Stuart McPhail

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Dated: Feb. 27, 2024

/s/ Stuart McPhail

Stuart C. McPhail

Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2024, I electronically filed the foregoing document with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system, thereby serving all persons required to be served.

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