

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-7164**September Term, 2023****1:20-cv-03388-EGS****Filed On:** March 8, 2024

Michigan Welfare Rights Organization, et al.,

Appellees

v.

Donald J. Trump, in his personal capacity,

Appellant

Donald J. Trump For President, Inc. and
Republican National Committee,

Appellees

BEFORE: Henderson, Millett, and Walker, Circuit Judges

ORDER

Upon consideration of the motion for summary affirmance, the opposition thereto, and the reply; and the motion to hold in abeyance and the opposition thereto, it is

ORDERED that this appeal be removed from abeyance. It is

FURTHER ORDERED that the motion for summary affirmance be granted. This appeal raises the same question that this court recently decided in Blassingame v. Trump, 87 F.4th 1 (D.C. Cir. 2023). As a result, the merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Blassingame held that former President Donald J. Trump lacks presidential immunity for actions that he took "in his personal capacity as presidential candidate," as opposed to "in his official capacity as sitting President." 87 F.4th at 4. Now that the mandate in Blassingame has issued, our decision there has become final. See Fed. R. App. P. 41(c), 1998 advisory committee's note. Appellant has made no effort to distinguish this appeal from Blassingame. And given that appellees' motion rests entirely on the court's recent decision in

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Blassingame, they had “good cause” for filing it when they did. D.C. Cir. Rule 27(g)(1).
It is

FURTHER ORDERED that the motion to hold in abeyance be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam