

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5176

September Term, 2020

1:19-cv-00969-TNM

Filed On: January 13, 2021

United States House of Representatives,

Appellant

v.

Steven T. Mnuchin, in his official capacity as
Secretary of the United States Department of
the Treasury, et al.,

Appellees

BEFORE: Srinivasan, Chief Judge; Henderson, Rogers, Tatel, Garland*,
Millett, Pillard, Wilkins, Katsas*, Rao*, and Walker**, Circuit Judges;
and Sentelle, Senior Circuit Judge

ORDER

Upon consideration of appellees' petition for rehearing en banc, the response thereto, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

* Circuit Judges Garland, Katsas, and Rao did not participate in this matter.

** A statement by Circuit Judge Walker, concurring in the denial of rehearing en banc, is attached.

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Walker, *Circuit Judge*, concurring: "For over two hundred years, the coordinate branches did not enlist the Judiciary in their fights." Committee on the Judiciary of the United States House of Representatives v. McGahn, 968 F.3d 755, 779 (D.C. Cir. 2020) (en banc) (Henderson, J., dissenting). But in McGahn, this court embraced "judicial superintendence" over routine political disputes. Id. at 792 (Griffith, J., dissenting). And because McGahn was en banc, reviewing the panel's thoughtful decision in this case would be unproductive. I therefore respectfully concur in the denial of en banc review.