

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

REVEREND FATHER
EMMANUEL LEMELSON,

Plaintiff,

v.

SECURITIES AND EXCHANGE
COMMISSION,

Defendant.

Civil Action No. 1:24-cv-2415

NOTICE OF CHANGE IN POSITION

Defendant respectfully submits this Notice to inform the Court that the Acting Solicitor General has decided that the multiple layers of removal restrictions for administrative law judges in 5 U.S.C. § 7521 do not comport with the separation of powers and Article II and that the United States will no longer defend them in litigation. Accordingly, the government will not continue to press its merits defense of Section 7521 in this action. *See* ECF No. 14 at 24–32.

Defendant nonetheless maintains that this Court should grant its motion to dismiss Plaintiff’s Article II claim and deny Plaintiff’s motion for a preliminary injunction. Defendant continues to argue that Plaintiff’s claim fails at the threshold because Plaintiff has not shown that Section 7521 “‘inflict[ed] compensable harm’ on him.” *Id.* at 32 (quoting *Collins v. Yellen*, 594 U.S. 220, 259 (2021)). Defendant further continues to argue that Plaintiff has not shown entitlement to injunctive relief under the remaining preliminary injunction factors. *See id.* at 37–41.

Dated: February 18, 2025

Respectfully submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General
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CHRISTOPHER HALL
Assistant Director
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/s/ Christian S. Daniel
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2025, a copy of the foregoing document was filed electronically with the Clerk of this Court. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Christian S. Daniel
Christian S. Daniel