

No. 24-12311-J

In the
United States Court of Appeals
For the Eleventh Circuit

UNITED STATES OF AMERICA,
Appellant,

v.

DONALD J. TRUMP, WALTINE NAUTA,
and CARLOS DE OLIVEIRA
Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
District Court No. 9:23-CR-80101-AMC-1 (Cannon, J.)

MOTION TO DISMISS THE APPEAL AS TO DONALD J. TRUMP

United States v. Donald J. Trump, Waltine Nauta, and Carlos De Oliveira
No. 24-12311-J

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Fed. R. App. P. 26.1 and 11th Cir. R. 26.1-1 and 26.1-2, the undersigned hereby certifies that the following is a list of persons and entities who have an interest in the outcome of this case:

1. Advance Publications, Inc.
2. Alonso, Cristina
3. America First Legal Foundation
4. America First Policy Institute
5. America's Future
6. American Broadcasting Companies, Inc., d/b/a ABC News
7. American Center for Law and Justice
8. Ayer, Donald
9. Bell, Daniel W.
10. Berry, Michael
11. Bird, Brenna
12. Blackman, Joshua
13. Blanche, Todd
14. Bloomberg, L.P.
15. Bondi, Pamela J.

16. Boos, Michael
17. Bove, Emil
18. Bowman, Chad
19. Bratt, Jay
20. Cable News Network, Inc.
21. Calabresi, Steven
22. Caldera, Louis
23. Cannon, Hon. Aileen
24. Cate, Matthew
25. CBS Broadcasting, Inc. o/b/o CBS News
26. Citizens for Responsibility and Ethics in Washington
27. Citizens United
28. Citizens United Foundation
29. CMG Media Corporation
30. Coleman, Russell
31. Coleman, Tom
32. Commonwealth of Kentucky
33. Conway, George
34. Conservative Legal Defense and Education Fund
35. Cooney, J.P.

36. Cox Enterprises, Inc. (COX) d/b/a The Atlanta Journal-Constitution
37. Cynkar, Robert J.
38. Dadan, Sasha
39. De Oliveira, Carlos
40. Dow Jones & Company, Inc., publisher of The Wall Street Journal
41. Dreeben, Michael
42. Drummond, Gentner
43. Edelstein, Julie
44. Ekonomou, Andrew J.
45. Fields, Lazaro
46. Fitzgerald, Patrick
47. Forrester, Nathan A.
48. Fort Myers Broadcasting Company
49. Gerson, Stuart
50. Gertner, Nancy
51. Gillers, Stephen
52. Goodman, Hon. Jonathan
53. Gray Media Group, Inc. (GTN)
54. Griffin, Tim
55. Guardian News & Media Limited

56. Gun Owners Foundation
57. Gun Owners of America
58. Gun Owners of California
59. Harbach, David
60. Heigis, Eric
61. Henneke, Robert
62. Hilgers, Michael T.
63. Hirsch, Steven A.
64. Hulser, Raymond
65. Insider, Inc.
66. Irving, John
67. Jackley, Marty J.
68. Jorjani, Daniel H.
69. Kise, Christopher
70. Klukowski, Kenneth A.
71. Knudsen, Austin
72. Kobach, Kris
73. Kozinski, Alex
74. Labrador, Raúl R.
75. Lacovara, Philip Allen

76. Landmark Legal Foundation
77. Lawson, Gary
78. Los Angeles Times Communications LLC, publisher of The Los Angeles Times
79. Marshall, Steve
80. Maynard, Hon. Shaniek Mills
81. McKay, John
82. McNamara, Anne
83. McSweeney, Patrick M.
84. Meese, Edwin
85. Miller, Justin A.
86. Miller, Matthew
87. Mishkin, Maxwell
88. Moelker, Nathan J.
89. Moody, Ashley
90. Monson, Darrick W.
91. Morgan, Jeremiah L.
92. Morrissey, Patrick
93. Mukasey, Hon. Michael B.
94. Murrell, Larry Donald
95. National Cable Satellite Corporation d/b/a C-SPAN

96. National Public Radio, Inc.
97. Nauta, Waltine
98. NBCUniversal Media, LLC d/b/a NBC News, a subsidiary of Comcast Corporation (CMCSA)
99. Nielson, Aaron L.
100. Olson, William J.
101. One Nation Under God Foundation
102. Orlando Sentinel Media Group, publisher of the Orlando Sentinel
103. Paxton, Ken
104. Pearce, James
105. Pellettieri, John
106. Pettit, Lanora C.
107. POLITICO LLC
108. Potter, Trevor
109. Public Advocate of the United States
110. Radio Television Digital News Association
111. Raul, Alan Charles
112. Ray, Robert W.
113. Reinhart, Hon. Bruce E.
114. Reuters News & Media, Inc.
115. Reyes, Sean

116. Rokita, Theodore E.
117. Roth, Stuart J.
118. Russell, Lauren
119. Salario, Samuel
120. Sample, James J.
121. Sasso, Michael
122. Schaerr, Gene
123. Sekulow, Jay Alan
124. Sekulow, Jordan
125. Seligman, Matthew
126. Sisney, Benjamin P.
127. Skrmetti, Jonathan
128. Smith, Abbe
129. Smith, Fern
130. Smith, Jack
131. State Democracy Defenders Action
132. State of Alabama
133. State of Alaska
134. State of Arkansas
135. State of Florida

136. State of Idaho
137. State of Indiana
138. State of Iowa
139. State of Kansas
140. State of Louisiana
141. State of Mississippi
142. State of Missouri
143. State of Montana
144. State of Nebraska
145. State of Oklahoma
146. State of South Carolina
147. State of South Dakota
148. State of Tennessee
149. State of Texas
150. State of Utah
151. State of West Virginia
152. Steinman, Jessica Hart
153. Sun-Sentinel Company, LLC, publisher of the South Florida Sun Sentinel
154. TEGNA, Inc. (TGNA)
155. Telemundo Network Group, LLC d/b/a Noticias Telemundo

156. Texas Public Policy Foundation
157. Thakur, Michael
158. The Associated Press
159. The E.W. Scripps Company (SSP)
160. The McClatchy Company, LLC (MNI) d/b/a the Miami Herald
161. The New York Times Company (NYT)
162. The Palm Beach Post and USA TODAY, publications operated by subsidiaries of Gannett Co., Inc. (GCI)
163. Thompson, Larry
164. Tillman, Seth Barrett
165. Tobin, Charles
166. Torres, Hon. Edwin
167. Treg, Taylor
168. Trent, Edward H.
169. Tribe, Laurence
170. Troye, Olivia
171. Trump, Donald J.
172. Trusty, James
173. Twardy, Stanley
174. United States of America
175. Univision Networks & Studios, Inc.

176. U.S. Constitutional Rights Legal Defense Fund
177. VanDevender, Cecil
178. Webster, Brent
179. Weiss, Stephen
180. Weld, William
181. Weldon, Chance
182. Wessan, Eric H.
183. Wharton, Kendra
184. Whitaker, Henry C.
185. Whitaker, Matthew
186. Whitman, Christine Todd
187. Wilson, Alan
188. Woodward, Stanley
189. WP Company LLC d/b/a The Washington Post
190. WPLG, Inc.

Respectfully submitted,

JACK SMITH
Special Counsel

By: /s/ James I. Pearce
JAMES I. PEARCE
Assistant Special Counsel
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

As a result of the election held on November 5, 2024, defendant Donald J. Trump will be inaugurated as President on January 20, 2025. For the reasons set forth in *United States v. Trump*, No. 23-cr-57, ECF No. 281 (D.D.C.) (filed Nov. 25, 2024) (moving to dismiss criminal prosecution as to defendant Trump in the United States District Court for the District of Columbia), the United States of America moves, pursuant to Federal Rule of Appellate Procedure 42 and Eleventh Circuit Rule 42-1, to dismiss the appeal in this case as to defendant Trump. Dismissing the appeal as to defendant Trump will leave in place the district court's order dismissing the indictment without prejudice as to him. The appeal concerning the other two defendants will continue because, unlike defendant Trump, no principle of temporary immunity applies to them.

The Government has consulted with counsel for defendant Trump, who do not object to this motion.

Respectfully submitted,

JACK SMITH
Special Counsel

/S/ JAMES I. PEARCE
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Rm. B-206
Washington, D.C. 20530

CERTIFICATE OF COMPLIANCE

This motion contains 154 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

/s/James I. Pearce
James I. Pearce
Assistant Special Counsel

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system. I further certify that appellees' counsel are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/James I. Pearce
James I. Pearce
Assistant Special Counsel