IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

TAREQ AQEL MOHAMMED AZIZ, et al.,	)	
	)	
Petitioners,	)	
	)	
v.	)	1:17-cv-116 (LMB/TCB)
	)	
DONALD TRUMP, President of the United States, et al.,	)	
	)	
	)	
Defendants.		

ORDER

Before the Court is a Motion to Intervene Pursuant to F.R.C.P. 24 ("Motion") by pro se movant Vincent A. Molino ("movant" or "Molino"). Movant's filings extensively detail his support for the executive order at the heart of this litigation ("the EO"). For the reasons that follow, the motion will be denied.

Federal Rule of Civil Procedure 24(a)(2) requires a court to permit intervention by a party who "claims an interest relating to the . . . subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." The Fourth Circuit has articulated a three-part test for Rule 24(a)(2) intervention, requiring a movant to show: "(1) an interest in the subject matter of the action; (2) that the protection of this interest would be impaired because of the action; and (3) that the applicant's interest is not adequately represented by existing parties to the litigation." Teague v. Bakker, 931 F.2d 259, 260–61 (4th Cir. 1991).

Even when a party may not intervene as of right, a court may permit intervention when the party "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(b). The Fourth Circuit favors "liberal intervention . . . to dispose of as much of a controversy" as possible. Feller v. Brock, 802 F.2d 722, 729 (4th Cir. 1986). When

permissive intervention is invoked, the key question is whether the existing parties would be prejudiced. Alt v. U.S. Envtl. Prot. Agency, 758 F.3d 588, 591 (4th Cir. 2014).

Although the Court must review pro se filings with deference, the "special judicial solicitude with which a district court should view . . . pro se [filings] does not transform the court into an advocate." United States v. Wilson, 699 F.3d 789, 797 (4th Cir. 2012) (alterations in original) (internal quotation marks omitted). Even viewing movant's filings with deference, they do not satisfy the standards of either Rule 24(a) or Rule 24(b). At most, movant has articulated a generalized support for the EO, which is "an interest . . . which is held in common by all members of the public," rather than a "personal stake" that "enables a complainant authoritatively to present to a court a complete perspective upon the adverse consequences flowing from the specific set of facts undergirding his grievance." Schlesinger v. Reservists Cmte. to Stop the War, 418 U.S. 208, 220–21 (1974). Consequently, movant lacks standing to intervene in this civil action, as he has not articulated any interest in this litigation that cannot be adequately represented by the parties already involved. Accordingly, it is hereby

ORDERED that the Motion [Dkt. 113] be and is DENIED.

To appeal this decision, movant must file a written Notice of Appeal with the Clerk of this Court within sixty (60) days of the date of the entry of this Order. A written Notice of Appeal is a short statement stating a desire to appeal an order and identifying the date of the order the movant wants to appeal. Failure to file a timely Notice of Appeal waives movant's right to appeal this decision.

The Clerk is directed to forward copies of this Order to counsel of record and to movant, pro se.

Entered this 27th day of February, 2017.

Alexandria, Virginia

/s/
Leonie M. Brinkema
United States District Judge