

No. 18-11479

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

CHAD EVERET BRACKEEN; JENNIFER KAY BRACKEEN; STATE OF TEXAS;
ALTAGRACIA SOCORRO HERNANDEZ; STATE OF INDIANA; JASON CLIFFORD; FRANK
NICHOLAS LIBRETTI; STATE OF LOUISIANA; HEATHER LYNN LIBRETTI; DANIELLE
CLIFFORD,

Plaintiffs-Appellees,

v.

DAVID BERNHARDT, Acting Secretary, U.S. Department of the Interior; TARA
SWEENEY, in her official capacity as Acting Assistant Secretary for Indian Affairs;
BUREAU OF INDIAN AFFAIRS; UNITED STATES DEPARTMENT OF INTERIOR; UNITED
STATES OF AMERICA; ALEX AZAR, in his official capacity as Secretary of the
United States Department of Health and Human Services; UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants-Appellants,

CHEROKEE NATION; ONEIDA NATION; QUINALT INDIAN NATION; MORONGO BAND
OF MISSION INDIANS,

Intervenor Defendants-Appellants.

On Appeal from the United States District Court
for the Northern District of Texas, No. 4:17-cv-00868-O

**UNOPPOSED MOTION TO FILE AMENDED BRIEF OF MEMBERS OF
CONGRESS AS AMICI CURIAE IN SUPPORT OF DEFENDANTS-
APPELLANTS AND REVERSAL**

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SUPPLEMENTAL STATEMENT OF INTERESTED PARTIES

Pursuant to Fifth Circuit Rule 27.4, the undersigned counsel certifies that the following listed persons and entities, in addition to those already listed in the parties' briefs, have an interest in the outcome of this case.

Amici

Senator Tom Udall
Senator Lisa Murkowski
Senator Dan Sullivan
Representative Don Bacon
Representative Karen Bass
Representative Tom Cole
Representative Betty McCollum
Representative Don Young

Counsel for Amici

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Seth P. Waxman
Danielle Spinelli
Alan Schoenfeld
Andrew Jaco
Cassandra Mitchell
Allison Schultz

On January 16, 2019, bipartisan Members of the United States Senate and the United States House of Representatives with a significant interest in Indian affairs and adoption and foster care filed a brief as amici curiae in support of Defendants-Appellants. Senator Dan Sullivan of Alaska now seeks to join the brief of his fellow Members of Congress. A copy of a proposed amended brief is submitted concurrently with this motion; the only amendment to the original filed amicus brief is the addition of Senator Sullivan as a signatory. The State Plaintiffs, Individual Plaintiffs, and Tribal Defendants all consent to this request; the United States takes no position.

Senator Sullivan and the other amici Members of Congress therefore respectfully request that this Court grant leave to file the amended brief submitted concurrently with this motion.

Respectfully submitted,

/s/ Danielle Spinelli

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June 6, 2019

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 134 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

I further certify that the attached brief of amicus curiae complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in a proportionally spaced typeface using Microsoft Word 14-point Times New Roman font.

Executed this 6th day of June, 2019.

/s/ Danielle Spinelli

DANIELLE SPINELLI

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system on June 6, 2019.

I certify that all parties in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Executed this 6th day of June, 2019.

/s/ Danielle Spinelli

DANIELLE SPINELLI