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FILE NO: 126206.0000001

February 12, 2024

Mr. Lyle W. Cayce
Clerk of the Court
U.S. Court of Appeals for The Fifth Circuit
600 S. Maestri Place
Suite 115
New Orleans, LA 70130

Re: *In Re: Clarke, et al.*: Petition for a Writ of Mandamus, No. 24-50079, related to *Clarke v. Commodity Futures Trading Commission*, Case No. 22-51124, opinion reported at 74 F.4th 627 (5th Cir. 2023)

Dear Mr. Cayce:

The above-entitled matter concerns a petition for mandamus seeking review of the District Court's decision to transfer *Clarke v. Commodity Futures Trading Commission* to Washington, D.C. The transfer occurred after remand from this Court's thorough decision in Case No. 22-51124.

The Petitioners write to inform the Court that they intend to seek leave to file a consolidated reply in support of the petition, addressing both the Government and District Court's responses to the petition.

Petitioners conferred with the Clerk's office earlier today. Following the procedures advised on that call, Petitioners will file a motion for leave to file a reply in support of the mandamus petition—attaching the proposed reply as an exhibit—no later than Friday, February 16, 2024 (the date that is seven days after the Government's response brief). Petitioners are endeavoring to file their motion for leave and attached proposed reply earlier than the communicated deadline, by Wednesday or Thursday of this week. Petitioners wanted the Court to be aware of the intended timing of the reply, as the Court plans any action on the petition or if the Court had other wishes as to the timing of any reply.



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Petitioners are grateful for the Court's consideration of the issues raised in the petition, as they would be for consideration of the responsive arguments presented in the forthcoming reply.

Respectfully submitted,

/s Michael J. Edney

Michael J. Edney

cc: All counsel of record via the CM/ECF System; Ms. Mary Frances Yeager via e-mail