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No. 18-2488

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**DISTRICT OF COLUMBIA AND STATE OF MARYLAND,**  
Plaintiffs-Appellees,

v.

**DONALD J. TRUMP, in his individual capacity,**  
Defendant-Appellant.

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On Appeal from the United States District Court  
for the District of Maryland  
(Peter J. Messitte, District Judge)

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**PETITION FOR PANEL REHEARING OR REHEARING EN BANC**

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August 26, 2019

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**RULE 35(b) STATEMENT**

In holding that the complaint in this case should be dismissed for lack of standing under Article III, the panel relied on its analysis in the official capacity case, *In re Trump*, No. 18-2486. *See* Op. 12. For the reasons stated in Part II of the District of Columbia and State of Maryland's Petition for Panel Rehearing or Rehearing En Banc in that appeal, *see* No. 18-2486, Dkt. 59 at 9-16, this Court should grant *en banc* review to address the panel's erroneous holding that the District and Maryland lack Article III standing.

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## CERTIFICATE OF COMPLIANCE

This petition complies with the type-volume limitation of Federal Rule of Appellate Procedure 35(b)(2)(A) because it contains 93 words, excluding the parts of the petition exempted by Rule 32(f). This petition complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font.

*/s/ Leah J. Tulin* \_\_\_\_\_

Leah J. Tulin

**CERTIFICATE OF SERVICE**

I hereby certify that on August 26, 2019, I electronically filed the foregoing petition with the Clerk of the Court for the U.S. Court of Appeals for the Fourth Circuit by using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the appellate CM/ECF system.

*/s/ Leah J. Tulin* \_\_\_\_\_

Leah J. Tulin