

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

November 10, 2017

Noel J. Francisco
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Ahilan T. Arulanantham
ACLU Foundation of Southern California
1313 West Eighth Street
Los Angeles, CA 90017

Re: No. 15-1204, *David Jennings, et al. v. Alejandro Rodriguez, et al.*

Dear Counsel:

I am writing to inform the parties that Justice Kagan learned today that, while serving as Solicitor General, she authorized the filing of a pleading in an earlier phase of this case. The ordinary conflict check conducted in Justice Kagan's Chambers inadvertently failed to find this action.

Consistent with the Code of Conduct for United States Judges, Justice Kagan has determined that she should not continue to participate in this case.

Sincerely,

Scott S. Harris
Clerk of the Court