

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

United States of America,

v.

Julien Giraud Jr. and  
Julien Giraud III,

Defendants.

Case No. 1:24-CR-00768

Chief Judge Matthew W. Brann

**MOTION FOR LEAVE TO FILE**

**AMICI CURIAE BRIEF**

**PLEASE TAKE NOTICE** that former Republican Members of Congress Christopher Shays, John LeBoutillier, Mickey Edwards, Peter Smith, Tom Petri, Jim Greenwood, Gordon Humphrey, David Trott, and Barbara Comstock (“Amici Curiae” or “Former Republican Members”), through their attorneys Aguilar Bentley LLC (Lisa D. Bentley and Anne Burton-Walsh, Esqs. Appearing), respectfully move the Court before the Honorable Matthew W. Brann, Chief United States District Judge for Middle District of Pennsylvania, sitting by designation, for an order granting leave to file a brief as *amici curiae* in the above-captioned matter in support of neither party. In support of this motion, the Former Republican Members rely upon the following declaration of counsel:

- 1) All factors contained in the test set forth in *Kyocera Document Solutions America, Inc. v. Division of Administration*, 708 F. Supp. 3d 531 (D.N.J. 2023), cited in the Court’s August 1, 2025 Order (ECF Doc. 117), weigh in favor of allowing the Former Republican Members to file their proposed brief as *amici curiae*: whether ““(1) the amicus curiae has a ‘special interest’ in the particular case; (2) the amicus curiae’s interest is not represented competently or at all in the case; (3) the proffered information is timely and useful; and (4) the petitioner is not partial to a particular outcome in the case.”” 708 F. Supp. 3d 531, 542

n. 16 (quoting *Granillo v. FCA US, LLC*, No. 16-153, 2018 WL 4676057, at \*4 (D.N.J. Sept. 28, 2018)).

- 2) First, the Former Republican Members have a special interest in the Court's interpretation of the statutory framework in the Preserving United States Attorney Independence Act of 2007, codified in 18 U.S.C. § 546, because as lawmakers they swore an oath to support the United States Constitution, and they view 18 U.S.C. § 546 as critical to preserving the separation of powers enshrined in the Constitution. The proposed amicus brief makes that case.
- 3) Second, the interests of the Former Republican Members are not represented by the parties in this criminal matter. The parties in this case are focused on whether a criminal indictment can be maintained against the Defendants and the extent to which Alina Habba and the Assistant U.S. Attorneys working at her direction may be involved in prosecuting this case. The Former Republican Members, by contrast, are solely focused on providing the Court with the information contained in the proposed information and the perspective that they, as members of the same party as the current United States Presidential Administration, hold dear.
- 4) Third, the proffered amicus brief is both timely and useful. The Former Republican Members have filed the proposed brief according to the Court's deadline for *amicus curiae* briefs. (ECF No. 117, ¶ 8.) For the reasons stated above, the proposed amicus brief will provide the Court with useful information regarding Congressional intent – and authority – for creating the statutory framework governing the appointment of U.S. Attorneys, as well as the perspective of former lawmakers who share the same party affiliation as the current United States Presidential Administration.

- 5) Fourth and finally, the Former Republican Members are not partial to a particular outcome in this case and submit the proposed amicus brief in support of neither party.

For these reasons, the Former Republican Members as *amici curiae* respectfully ask that the Court grant them leave to file the proposed amicus brief submitted with this motion. A proposed order is also submitted with this motion.

Dated: August 13, 2025

Respectfully submitted,

AGUILAR BENTLEY LLC

By:           /s/ Anne Burton Walsh          

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