



**U.S. Department of Justice**  
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December 9, 2024

VIA CM/ECF

Mark Langer, Clerk of Court  
U.S. Court of Appeals for the D.C. Circuit  
333 Constitution Avenue, NW  
Washington, DC 20001

RE: *TikTok, Inc. v. Garland*, Nos. 24-1113, 24-1130, 24-1183 (D.C. Cir.)  
Decided December 6, 2024

Dear Mr. Langer:

On December 6, 2024, this Court unanimously denied petitions challenging the constitutionality of the divestment provisions of the Protecting Americans from Foreign Adversary Controlled Applications Act, Pub. L. No. 118-50, div. H, 138 Stat. 955 (2024), concluding that the relevant statutory provisions advance compelling government interests and comport with the Constitution. Those provisions take effect on January 19, 2025.

Petitioners have now asked this Court to enjoin the challenged provisions pending any Supreme Court review of this Court's decision. They have requested a decision on their motions by December 16. The government is prepared to provide a full response opposing petitioners' motions and has agreed to a schedule under which it will file any such response by this Wednesday, December 11. In the unusual circumstances presented here, however, the government believes that it would be appropriate for the Court to deny petitioners' motions without additional briefing. The Court is familiar with the relevant facts and law and has definitively rejected petitioners' constitutional claims in a thorough decision that recognizes the critical national-security interests underlying the Act. The challenged provisions of the Act are scheduled to go into effect less than six weeks from today, and petitioners have indicated that they intend to ask the Supreme Court for

relief if this Court denies their motions. An expedient decision by this Court denying petitioners' motions, without awaiting the government's response, would be appropriate to maximize the time available for the Supreme Court's consideration of petitioners' submissions.

Sincerely,

Sharon Swingle  
Daniel Tenny  
Casen B. Ross

/s/ Sean R. Janda

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cc: Counsel of Record (via CM/ECF)