No. 26-13

In the Supreme Court of the United States

KHALID SHAIKH MOHAMMAD ET AL.,
Petitioners,

v.

UNITED STATES,
Respondent.

On Petition for a Writ of Certiorari to the U.S. Court of Appeals for the D.C. Circuit

BRIEF OF *AMICI CURIAE* SEPTEMBER ELEVENTH FAMILIES FOR PEACEFUL TOMORROWS AND SIXTY-SIX INDIVIDUAL 9/11 VICTIM FAMILY IN SUPPORT OF PETITIONERS

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STATEMENT OF INTEREST[1]

Amici include Peaceful Tomorrows, officers and members of Peaceful Tomorrows, as well as individual family members of people murdered in the attacks of September 11, 2001 who have no affiliation with Peaceful Tomorrows.

Peaceful Tomorrows is an organization founded by family members of people murdered in the September 11 attacks. Over the past 24 years, the organization and its more than 250 members have advocated for the rule of law, nonviolent actions in pursuit of justice, and breaking the vicious cycles of violence caused by war and terrorism. Peaceful Tomorrows was nominated for the Nobel Peace Prize in 2003 and 2004. Peaceful Tomorrows is an active participant in advocating for victims' families, providing them with support and a platform to express their needs and concerns throughout the legal proceedings against the defendants.

Peaceful Tomorrows has been involved in the September 11th military commission proceedings specifically, and it is the only September 11th victim family organization recognized by the Pentagon as a non-governmental organization observer. For more than eleven years, the organization has sent representatives to watch the proceedings in the

[1] No counsel for a party authored this brief in whole or in part and no person other than *amici* and their counsel made a monetary contribution to its preparation or submission. Pursuant to Supreme Court Rule 37.2, all parties have been timely notified of our intent to file this brief.

Guantanamo Bay military commissions and provided its members with regular information regarding the proceedings, including how to view proceedings at designated CCTV sites in the continental United States. And it has previously submitted *amicus* briefs before this Court and others. *See, e.g.*, Brief for *Amicus Curiae* September 11th Families for Peaceful Tomorrows in Support of Respondents, *United States v. Husayn*, No. 20-827 (U.S.). Peaceful Tomorrows and its members, along with other individual amici, have also appeared in the media and spoken publicly regarding the ongoing September 11th Military Commissions.

The individual amici are all family members of people who were murdered in the attacks of September 11, 2001, some of whom are affiliated with Peaceful Tomorrows and some of whom are not:

Peaceful Tomorrows Officers and Members

Elizabeth Miller is the daughter of Douglas C. Miller, a firefighter who died in the World Trade Center on September 11th. Ms. Miller is the Project Director of Peaceful Tomorrows.

Colleen Kelly is the sister of William Kelly Jr., who died in the World Trade Center on September 11th. Ms. Kelly is a co-chair of Peaceful Tomorrows' Rule of Law Committee.

Terry Rockefeller is the sister of Laura Rockefeller, who died in the World Trade Center on September 11th. Ms. Rockefeller is a co-chair of Peaceful Tomorrows' Rule of Law Committee.

V. Blake Allison is the husband of Anna S. W. Allison, who died on American Airlines Flight 11 on September 11th.

Barry Amundson is the brother of S. P. C. Craig Amundson of the U.S. Army, who died at the Pentagon on September 11th.

Kelly Campbell is the sister-in-law of S. P. C. Craig Amundson, of the U.S. Army, who died at the Pentagon on September 11th.

Don Charlebois is the brother of David Charlebois, First Officer on Flight 77 who died at the Pentagon on September 11th.

Rosemary De Martini is the sister of Francis De Martini who died in the World Trade Center on September 11th

Johanna Falkena-Filipov is the daughter-in-law of Alexander Milan Filipov, who died on American Airlines Flight 11 on September 11th.

Jeffrey Thomas Filipov is the son of Alexander Milan Filipov, who died on American Airlines Flight 11 on September 11th.

Loretta J. Filipov is the wife of Alexander Milan Filipov, who died on American Airlines Flight 11 on September 11th.

Connie Fisher is the sister of Bennett Lawson Fisher, who died in the World Trade Center on September 11th.

Terry Anne Greene is the sister of Donald F. Greene, who died on United Airlines Flight 93 on September 11th.

Logan Harris is the niece of Laura Rockefeller, who died in the World Trade Center on September 11th.

Hannah Harris is the niece of Laura Rockefeller, who died in the World Trade Center on September 11th.

Dianne L. Hudder is the sister of William Russell Peterson, who died in the World Trade Center on September 11th.

Zachary Jones, nephew of William Kelly Jr., who died in the World Trade Center on September 11th.

Andrea N. LeBlanc is the wife of Robert G. LeBlanc, who died on United Airlines Flight 175 on September 11th.

John LeBlanc is the son of Robert G. LeBlanc, who died on United Airlines Flight 175 on September 11th.

John Leinung is the stepfather of Paul J. Battaglia, who died in the World Trade Center on September 11th.

Eric Leinung is the brother of Paul J. Battaglia, who died in the World Trade Center on September 11th.

Joan Phyllis LeVar is the niece of Donald F. Greene, who died on United Airlines Flight 93 on September 11th.

Valerie Lucznikowska is the aunt of Adam P. Arias, who died in the World Trade Center on September 11th.

Nancy Meyer is the sister-in-law of Lauren Catuzzi Grandcolas, who died on United Airlines Flight 93 on September 11th.

Mary Ann Moran is the sister of Kathleen Moran, who died in the World Trade Center on September 11th.

Anne Mulderry is the mother of Stephen Mulderry, who died in the World Trade Center on September 11th.

Jessica Murphy is the daughter of Brian J. Murphy, who died in the World Trade Center on September 11th.

Katie Murphy is the sister of Charlie Murphy, who died in the World Trade Center on September 11th.

Judith Bram Murphy is the wife of Brian J. Murphy, who died in the World Trade Center on September 11th.

Jessica Murrow is the wife of Stephen Adams, who died in the World Trade Center on September 11th.

Lizbeth Radcliffe is the sister-in-law of Donald F. Greene, who died on United Airlines Flight 93 on September 11th.

Phyllis Rodriguez is the mother of Gregory E. Rodriguez, who died in the World Trade Center on September 11th.

Julia Rodriguez is the sister of Gregory E. Rodriguez, who died in the World Trade Center on September 11th.

Aidan McKillion Salamone is the son of John Patrick Salamone, who died in the World Trade Center on September 11th.

MaryEllen McKillion Salamone is the wife of John P. Salamone, who died in the World Trade Center on September 11th.

Cynthia Salter is the sister of Catherine Patricia Salter, who died in the World Trade Center on September 11th.

Bill Tammeus is the uncle of Karleton D. B. Fyfe, who died in the World Trade Center on September 11th.

Adele Welty is the mother of F. F. Timothy Welty, who was a first responder in FDNY Squad 288 and died on September 11th.

Nissa Youngren is the daughter of Robert G. LeBlanc, who died on United Airlines Flight 175 on September 11th.

Individual Victim Family Member *Amici* Not Affiliated with Peaceful Tomorrows:

Maureen Basnicki is the wife of Kenneth W. Basnicki, who died in the World Trade Center on September 11th.

Rachel Becker is the daughter of F. F. Douglas C. Miller, a firefighter who died in the World Trade Center on September 11th.

Michelle Beilke is the daughter of retired M. S. G. Max J. Beilke who died at the Pentagon on September 11th.

Grace Donegan is the niece of William Kelly, Jr., who died in the World Trade Center on September 11th.

Maureen Donegan is the sister of William Kelly, Jr., who died in the World Trade Center on September 11th.

Michael Donegan is the brother-in-law of William Kelly, Jr., who died in the World Trade Center on September 11th.

Kenneth B. Fairben is the father of Keith G. Fairben, a first responder who died in the World Trade Center on September 11th.

Benjamin Max Alexander Filipov is the grandson of Alexander Milan Filipov, who died on American Airlines Flight 11 on September 11th.

Sophia Elizabeth Filipov is the granddaughter of Alexander Milan Filipov, who died on American Airlines Flight 11 on September 11th.

Deborah Garcia is the wife of David Garcia, who died in the World Trade Center on September 11th.

Dylan Garcia is the son of David Garcia, who died in the World Trade Center on September 11th.

Stephan J. Gerhardt is the brother of Ralph Gerhardt, who died in the World Trade Center on September 11th.

Stephen Freeman Greene is the brother of Donald F. Greene, who died on United Airlines Flight 93 on September 11th.

Kathleen Hamilton is the sister of William Kelly, Jr., who died in the World Trade Center on September 11th.

J. William Harris is the brother-in-law of Laura Rockefeller, who died in the World Trade Center on September 11th.

Meigan Keane is the sister of William Kelly, Jr., who died in the World Trade Center on September 11th.

Michael Keane is the brother-in-law of William Kelly, Jr., who died in the World Trade Center on September 11th.

William Kelly Sr. is the father of William Kelly Jr., who died in the World Trade Center on September 11th.

Terry McGovern is the daughter of Ann Walsh McGovern, who died in the World Trade Center on September 11th.

Laurie Miller is the wife of F. F. Douglas C. Miller, a firefighter who died in the World Trade Center on September 11th.

Katherine Miller is the daughter of F. F. Douglas C. Miller, a firefighter who died in the World Trade Center on September 11th.

Glenn Morgan is the son of Richard Morgan, who was a first responder and died on September 11th.

Darra D. Mulderry is the brother of Stephen Mulderry, who died in the World Trade Center on September 11th.

Nicholas Ruth is the son-in-law of Robert G. LeBlanc, who died on United Airlines Flight 175 on September 11th.

Robert Silas Ruth is the grandson of Robert G. LeBlanc, who died on United Airlines Flight 175 on September 11th.

Sasha LeBlanc Hyde Ruth is the granddaughter of Robert G. LeBlanc, who died on United Airlines Flight 175 on September 11th.

Bret Sauschucki ss the son-in-law of F. F. Douglas C. Miller, a firefighter who died in the World Trade Center on September 11th.

SUMMARY OF ARGUMENT[2]

Two-thousand, nine hundred seventy-six wives, husbands, partners, fathers, mothers, sisters, brothers, and friends were murdered on September 11, 2001. Nearly twenty-five years have passed since *amici*'s loved ones were murdered in the most egregious criminal act on American soil in history.

But our Nation's feeble attempt to bring to justice five of the men responsible for the murder of thousands of Americans on American soil has been an abject failure. Collectively, the country has watched (or simply ignored) as a military commission judicatory process that has, for decades, languished in a seemingly never-ending morass. And over these past twenty-five years, thousands—***thousands***—of family members and friends of people who were murdered have passed away without seeing justice for their loved ones.

On July 31, 2024, the Office of the Chief Prosecutor and the Director of the Office of Military Commissions Victim Witness Assistance Program informed victims' families, including *amici*, that the Convening Authority and prosecution had entered

[2] While this *amicus curiae* brief is being filed in the above-captioned action, the arguments raised herein are equally applicable to the parallel petition for a writ of certiorari in *bin 'Atash v. United States*, No. 25-1335.

into pre-trial agreements ("PTAs") with the Petitioners, each of whom is charged with playing a critical role in planning and carrying out those murders. Finally, it appeared that there was a path to extricate these cases from the military commission morass—a path charted by those career prosecutors and defense lawyers who have devoted decades of their lives to this matter.

The path was not perfect. And no legal resolution can or will heal all wounds. But the PTAs were a crucial step forward in holding the defendants responsible for their involvement in the attacks of September 11th. The PTAs provided for an extraordinary and comprehensive presentation of evidence, including evidence that may not be admissible in a Military Commissions trial, as well as an unprecedented opportunity for victim involvement. The process set forth in the PTAs would thus have promoted and supported some semblance of closure for the family members of those murdered in the attacks.

The Secretary of Defense's (the "Secretary") improper decision to usurp control of proceedings from the Convening Authority and his purported withdrawal from the PTAs upended this closure. And the D.C. Circuit's decision, reversing the decision of the two military courts to consider the matter, piled on. Rather than proceeding with the restraint and deference appropriate given the importance of this matter, Article III courts' limited role in reviewing the decisions of military courts, and the entirely discretionary relief requested, the D.C. Circuit chose to put its thumb on the scale to make what is fundamentally a subjective policy decision.

As Petitioners explain, this Court should grant the writ of certiorari to correct the D.C. Circuit's legal errors. *Amici* write separately because, while the D.C. Circuit gestured loosely towards the importance of finality and closure, its decision has the opposite effect: the practical result of that decision is to impose on the American public and the family members of the murder victims indefinite further delay in seeing this long and painful prosecution brought to a close. If left to stand, the decision raises the possibility that the prosecution of those responsible for the mass murder of thousands of people on U.S. soil will never be concluded.

Never.

Given its invocation of an exceptional and entirely discretionary form of equitable relief, the D.C. Circuit's conclusory treatment of these issues is shocking. Moreover, the D.C. Circuit's decision wades into multiple issues of immense national importance. In short, this Court's review may be exceptional, but so is this case and the questions it raises.

ARGUMENT

I. The DC Circuit Failed to Afford the Proper Consideration of the Public Interest in Its Decision to Grant the Writ of Mandamus

Mandamus is a form of equitable relief. *See, e.g.*, *Mertens v. Hewitt Assocs.*, 508 U.S. 248, 256 (1993) (identifying mandamus as a form of equitable relief). Accordingly, since the founding era, this Court has recognized that the decision to award such extraordinary relief should be motivated by "reasons

of public policy . . . order and good government." *Marbury v. Madison*, 5 U.S. 137, 169 (1803) (citation modified); *see also Duncan Townsite Co. v. Lane*, 245 U.S. 308, 312 (1917) (stating that "issuance [of a writ of mandamus] is largely controlled by equitable principles"); *United States ex rel. Greathouse v. Dern*, 289 U.S. 352, 359 (1933) (explaining that courts should consider "equitable principles" when determining whether to issue writs of mandamus). And the D.C. Circuit correctly recognized that it should grapple with the equitable and policy implications of its decision. *See* Pet.App.52a–53a (quoting *Greathouse*, 289 U.S. at 259).

But the majority opinion conflated the real policy implications of its decision—disturbing the reasoned independent decisions of the military prosecutors, defense counsel, convening authority and reviewing military courts—with two judges' policy preference to make available the death penalty. And it did so—seemingly without any sense of irony—by reasoning that its policy preference would advance the public interest in "bringing the perpetrators to justice," Pet.App.54a, in circumstances in which the result of its decision, in reality, will be precisely the opposite. It guarantees justice further delayed, and opens the door to the possibility of justice totally denied. Absent review of this Court, that error cannot be corrected.

The majority opinion begins by dryly reciting that Respondents "are being tried by military commission at the United States Naval Base in Guantanamo Bay, Cuba." *Id.* at 3a. While literally true, this recitation ignores the painful reality that the

military commissions are mired in what increasingly appears to be an inescapable legal morass. While prosecutors have recently assured *amici* that they intend to bring the matter swiftly to trial, *amici* have heard similar promises time and time again over the last two decades. *See* Carol Rosenberg, *Why It Is So Hard to Set a 9/11 Trial Date? Here's What to Know*, N.Y. Times (Jan. 16, 2026), https://www.nytimes.com/2026/01/16/us/politics/sept-11-attacks-trial.html. These constant delays and about-faces cause victim family members anguish and frustration; in their own words, it has been "mental warfare," "torture," and "cruel." Carol Rosenberg, *Twists and Turns in Sept. 11 Plea Process Are Agonizing, Families Say*, N.Y. Times (Nov. 22, 2024), https://www.nytimes.com/2024/11/22/us/politics/sept-11-plea-process-families.html. In short, "the main theme is waiting, waiting, waiting, waiting" and *amici* are not sure "if it's ever going to end." All Things Considered, *After plea deals are canceled, what happens next with the Guantanamo 9/11 trials?*, NPR (July 20, 2025), https://www.npr.org/2025/07/20/nx-s1-5471242/after-plea-deals-are-canceled-what-happens-next-with-the-guantanamo-9-11-trials (quoting *amica* Elizabeth Miller). To date, no trial is scheduled in this matter. The D.C. Circuit's decision simply ignores this painful and obvious reality.

While no legal resolution can undo the pain of September 11th, with the entry of the PTAs, *amici* felt that there was finally a clear path forward for evidence to be presented, for victims' voices to be heard, and for these defendants to be convicted and sentenced. Specifically, the Petitioners agreed to a lengthy set of stipulations of fact regarding the

evidence against them. *See* Pet.App.248a. And the PTAs contemplated a lengthy presentation of the evidentiary record before the military commissions including, but not limited to, statements made or adopted by the Petitioners, video and audio records detailing the planning, orchestration, and execution of the attacks, and a wealth of documentary, postal, shipping, financial, passport, airline, and other evidence seized by the government around the world throughout the multi-decade investigation and prosecution. *See id.* at 250a–256a. Indeed, this evidentiary presentation would likely be more exhaustive than would be possible at a theoretical trial, as the Petitioners agreed to waive critical evidentiary objections, including the "Letterhead Memoranda" detailing statements made by petitioners to the FBI. *See id.* at 250a & n.2. Victims like *amici* were also offered a substantial role. The Petitioners were *required* to provide answers to any questions submitted by victim family members. *See id.* at 260a–261a. And the PTAs provided for the opportunity for individual family members of the victims to provide victim impact statements that would be presented in the military commission. The Petitioners also agreed to waive their appellate rights, ensuring that the pleas would indeed be final. *See id.* at 261a.

As the career prosecutors overseeing the case explained to *amici* and other family members of victims, this was "the best path to finality and justice in this case." *Id.* at 244a. This opportunity for judicial finality and closure are some of the bedrock promises of any justice system. *See Calderon v. Thompson*, 523 U.S. 538, 555 (1998) (stating that "[f]inality is

essential to both the retributive and the deterrent functions of criminal law"); *Hill v. McDonough*, 547 U.S. 573, 584 (2006) ("Both the State and the victims of crime have an important interest in the timely enforcement of a sentence."). This finality is crucial not only for society as a whole, but for family members of the murder victims in particular who have an "exceptionally powerful interest . . . in finally obtaining closure." *Ramirez v. Collier*, 595 U.S. 411, 445 (2022) (Kavanaugh, J., concurring).

For *amici*, finality and closure are not abstract concepts. In addition to the ongoing pain and uncertainty felt by *amici*, over the last two decades, thousands, of family members of those who were murdered have themselves died without seeing any measure of justice done for their loved ones. Indeed, one of the family members of the murder victims who previously joined *amici*'s briefing before the D.C. Circuit has since died. Moreover, many of the potential witnesses in a theoretical trial have also died. *See, e.g.*, John Ryan, America's Trial: Torture and the 9/11 Case on Guantanamo Bay 266 (2025) (discussing the deaths of two CIA personnel involved in the interrogation of Respondents). Others are aging, a reality that may affect their availability and ability to provide detailed and accurate testimony in a theoretical trial. *See New York v. Hill*, 528 U.S. 110, 117 (2000) (observing that delaying trial proceedings "can lead to a less accurate outcome as witnesses become unavailable and memories fade"). The defendants too, are aging rapidly in a facility that reportedly possesses limited medical care resources. *See* Carol Rosenberg, *The 9/11 Defendants Were Captured Two Decades Ago. Why Hasn't a Trial*

Started?, N.Y. Times (Oct. 21, 2024), https://www.nytimes.com/2024/10/21/us/politics/9-11-defendants-trial.html (describing the health care situation at Guantanamo Bay as a "constant concern"). There is a very real possibility that *amici* and other family members of the victims will see the defendants ruled unfit to stand trial—as one defendant already has. Or that defendants may die before entry of a final and unappealable judgment of conviction. In other words, that these men will, in the eyes of the law, die innocent.

It is in light of this background that the D.C. Circuit chose to invoke the entirely discretionary remedy of mandamus to rip away that hope for closure. While the D.C. Circuit found that the Secretary was "reasonable" in his determination that "families and the American public deserve the opportunity to see military commission trials carried out," Pet.App.57a, the opinion tellingly does not discuss how practically that might happen in the wake of its decision.

Rather, the D.C. Circuit paid only lip service to the concern that "restarting the prosecution would result in many more years of litigation with only a speculative possibility of securing the death penalty and would postpone finality and closure for Respondents and the American public." *Id.* at 56a. Indeed, the majority emphasized that that the "families of the victims and the American public have a strong interest in bringing the perpetrators to justice." *Id.* at 54a. And the PTAs were precisely that: a path to bringing the perpetrators to justice. Finally. As described above, the PTAs contemplated a process

that would provide a more fulsome presentation of the evidence due to the waiver of certain objections and greater participation by family members of the victims than would likely be possible in any theoretical trial. The only other material difference between the process contemplated by the PTAs and a theoretical trial is that the defendants would not face the potential for capital punishment under the PTAs.

But rather than substantively engage with these interests, the court pivoted towards a discussion of other policy issues, namely the effects its decision would have on the Secretary's authority. *See id.* at 54a–58a. It appears the majority decided that these implications and the "speculative possibility" of the death penalty outweigh *amici* and the public's interests in actual finality. *Id.* at 56a. Because while reasonable people can certainly disagree about the application of the death penalty in this case, reasonable people can no longer disagree about the viability of the military commissions, absent the PTAs, to actually "bring[ ] the perpetrators to justice." *Id.* at 54a. Despite this, the D.C. Circuit determined that the nation's interest in "bringing the perpetrators to justice" could only mean one thing: a trial with the possibility of capital punishment. But the opinion provides no justification for this determination.

Instead, the majority stated that the judgment about how these prosecutions can proceed is "a grave one that requires political accountability." *Id.* But this proclamation only makes the decision even more puzzling. Because rather than respect the policy choice favored by the Convening Authority lawfully empowered by the Secretary, the career prosecutors,

the defense counsel, the military courts, and *amici*, the decision of the politically unaccountable D.C. Circuit controls.

Given the "stringent criteria," *id*. at 58a, necessary to invoke the drastic remedy of mandamus, the majority's conclusory treatment of these considerations is painfully insufficient. The D.C. Circuit's decision was not guided by the sort of "sound equitable principles" that are required when exercising this sort of discretionary authority. *Starbucks Corp. v. McKinney*, 602 U.S. 339, 348 (2024) (citation modified). And it tramples over all concept of reasonable judicial discretion. *See, e.g.*, *United States v. Skrmetti*, 605 U.S. 495, 525 (2025) (stating that courts should not wade into weighty questions of policy and "decide them as we see best").

Nearly twenty-five years since the attack—in the longest- and slowest-running, criminal case in the 250-year history of the United States—the D.C. Circuit Court of Appeals should not be permitted to supplant the decisions of those to whom these authorities had been lawfully granted. It certainly should not be permitted to do so based on such a conclusory and contradictory treatment of the core issues at stake. This Court's review is necessary to correct this error. *See* Sup. Ct. R. 10(a) (certiorari may be appropriate where the decision of a Court of Appeals has "so far departed from the accepted and usual course of judicial proceeding . . . as to call for an exercise of this Court's supervisory power").

II. This Court Should Grant Certiorari Given the Exceptional Nature of the Matter

The writ of certiorari should also be granted because "this Court has a responsibility to resolve major questions of national importance." *Labrador v. Poe ex rel. Poe*, 144 S. Ct. 921 (Mem), 930 (2024) (Kavanaugh, J., concurring in grant of stay); *see also*, *e.g.*, *United States v. Booker*, 543 U.S. 220, 229 (2005) (noting that the petition for certiorari had been granted because of "the importance of the questions presented").

As this Court has correctly observed, "Americans will never forget the devastation wrought by [the attacks of September 11th, 2001]." *Hamdan v. Rumsfeld*, 548 U.S. 557, 568 (2006); *see also Transcript New York Stories: Sonia Sotomayor*, 9/11 Memorial & Museum 9–10 (Mar. 8, 2019), https://www.911memorial.org/sites/default/files/inline-files/Transcript%20-%20Sotomayor%2020190308.pdf (Justice Sotomayor stated that "[t]he pain and the suffering we all experience is emblazoned in my memory and the memory of anyone who witnessed the events of those days. . . . Everyone I know from around the country, and around the world, who lived through that day will talk about what they were viewing and what they were seeing and what they were feeling, and how enormously impactful it was to everyone in the world."). There is no dispute that this prosecution bears on "issues of immense national importance." Pet.App.57a–58a; *see also* Pet. at 39–40. Nor is there any question that *amici* and the entire nation have a "strong interest in bringing the perpetrators to justice." Pet.App.54a.

Moreover, the multiple important and unique legal issues at play in adjudicating this matter also weigh in favor of granting the petition. This Court has granted a writ of certiorari when considering the Executive's authority to create the commissions overseeing these proceedings. *See generally Hamdan*, 548 U.S. 557; *Boumediene v. Bush*, 553 U.S. 723 (2008). This action is the natural continuation of these cases, as it deals with the Executive's authority to deviate from the framework that it and Congress created, and this Court blessed. Moreover, the Petitioners raise weighty concerns about the broader impacts the panel's decision might have on the use of mandamus, the functioning of military courts, and the role of Article III courts in intra-branch disputes.

In sum, it is difficult to imagine a more important matter than how to resolve the largest incident of mass murder in our country's history. This is precisely the sort of case for which this Court's review is needed.

CONCLUSION

For the foregoing reasons, and for the reasons stated in the Petition, the Court should grant the Petition for a Writ of Certiorari.

Dated: August 3, 2026

Respectfully submitted,

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