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March 5, 2025

Via CM/ECF

Clifton Cislak, Clerk of Court
U.S. Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue NW
Washington, D.C. 20001

RE: *Dellinger v. Bessent*, No. 25-5052

Dear Mr. Cislak:

We write to alert the Court that plaintiff – a principal executive officer who has been judicially reinstated after having been removed by the President – has requested from the MSPB a stay of the termination of thousands of probationary employees who were recently terminated by the Department of Agriculture.¹ A member of the MSPB – Cathy A. Harris, who, like plaintiff, was removed from office by the President but has been judicially reinstated, *see Harris v. Bessent*, 2025 WL 679303 (D.D.C. Mar. 4, 2025), *appeal filed*, No. 25-5055 (D.C. Cir. Mar. 4, 2025) – directed plaintiff to provide the names of the employees in question, and plaintiff did so yesterday.² We anticipate that Member Harris may shortly grant plaintiff’s request.

These developments underscore the irreparable harm that the Executive Branch incurs each day plaintiff remains in office. A

¹ The filing is available at [https://osc.gov/Documents/PPP/Formal%20Stays/USDA%20Systemic%20Stay%20\(redacted\).pdf](https://osc.gov/Documents/PPP/Formal%20Stays/USDA%20Systemic%20Stay%20(redacted).pdf).

² The order is available at https://www.mspb.gov/decisions/nonprecedential/Doe_JohnCB-1208-25-0020-U-1__Order.pdf.

principal officer removed by the President has now exercised his power to demand that another principal officer removed by the President exercise her power to reinstate thousands of government employees and thereby override the President's policy agenda, all from within the Executive Branch. Respectfully, this is not how Article II is supposed to work.

Permitting plaintiff to persist on this course also invites confusion and uncertainty. Plaintiff's actions while unlawfully reinstated are constitutionally tainted, *see Collins v. Yellen*, 594 U.S. 220, 257-60 (2021), and may have to be unwound.

We respectfully renew our request for an immediate administrative stay pending this Court's disposition of the stay motion.

Sincerely,

/s/ Laura E. Myron
Laura E. Myron

cc: All counsel (via CM/ECF)