



**U.S. Department of Justice**  
Civil Division, Appellate Staff  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

---

Tel: 202-514-3469  
April 21, 2025

VIA CM/ECF

Clifton Cislak

Clerk, United States Court of Appeals for the D.C. Circuit

E. Barrett Prettyman United States Courthouse & William B. Bryant Annex

333 Constitution Ave., NW

Washington, DC 20001

Re: *Talbott v. United States*, No. 25-5087 (oral argument April 22, 2025)

Dear Mr. Cislak:

We write to inform the Court of an error in the government’s stay motion. In responding to the district court’s reliance on “Secretary Hegseth’s public description” of the 2025 policy on the social media platform X, Add.23, the government referenced a post from the Secretary’s personal X account, which shared a link to a Fox news article about the policy and quoted its headline, *see* Mot. 19 & n.2; Pete Hegseth (@PeteHegseth), X (Feb. 27, 2025, 11:52 AM), <https://perma.cc/ESD3-TJ82> (“Pentagon says transgender troops are disqualified from service without an exemption.”). The government explained that this post “did not announce anything, much less anything inconsistent with the terms of the policy itself.” Mot. 19 (alteration omitted). The district court, however, did not rely on this post; instead, the court relied on a similarly worded post on the Secretary of Defense’s official X account. *See* Add. 23; Secretary of Defense (@SecDef), X (Feb. 27, 2025) (stating “Transgender troops are disqualified from service without an exemption” and reposting a CBS News article discussing the policy). Although that post did not “repeat[] the headline” of a news article, Mot. 19, the government stands by its argument that the post did not announce “anything inconsistent with the terms of the policy itself,” *id.*

Sincerely,

/s/ Amanda L. Mundell  
Amanda L. Mundell