

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

*Plaintiff,*

v.

Paul E. Johnson

*Defendant.*

Case No.: 0:26-MJ-00081-KMM-SGE

**UNOPPOSED MOTION FOR  
LEAVE TO FILE BRIEF OF  
*AMICI CURIAE* FORMER U.S.  
MILITARY LAWYERS**

Zachary T. West\*  
PROTECT DEMOCRACY PROJECT  
2020 Pennsylvania Ave NW, Suite 163  
Washington, DC 20006  
Tel: (202) 579-4582  
Fax: (202) 769-3176  
zachary.west@protectdemocracy.org

Beau C. Tremitiere\*  
PROTECT DEMOCRACY PROJECT  
300 Center Ave, Suite G-251  
Superior, CO 80027  
Tel: (202) 579-4582  
Fax: (202) 769-3176  
beau.tremitiere@protectdemocracy.org

*Counsel for Amici Curiae*

John R. Marti  
*Counsel of Record*  
Dorsey & Whitney LLP  
50 South 6th St, Suite 1500  
Minneapolis, MN 55402  
Tel: (612) 492-6775  
Fax: (612) 677-3265  
marti.john@dorsey.com

*\*Motions for admission Pro  
Hac Vice forthcoming*

Eleven former U.S. military lawyers respectfully move this Court for leave to appear as *amici curiae* and to file the proposed brief, attached hereto. Plaintiff United States of America and Defendant Paul E. Johnson have all consented to the filing of this brief.

*Amici* are eleven former U.S. military judge advocate officers (JAGs) who served as military attorneys in the Army, Navy, Air Force, Marine Corps, and Coast Guard, advising commanders on administrative, criminal, regulatory, and international law, in addition to serving as military judges, prosecutors, defense counsel, JAG School instructors and service academy professors, and legal assistance attorneys supporting servicemembers and their families. During their military service, some *amici* were appointed as Special Assistant U.S. Attorneys and detailed to the Department of Justice (DOJ) to handle matters with a clear and substantial nexus to military affairs. Some *amici* also served in the DOJ as full-time federal prosecutors after completing their military service. Some *amici* teach law at civilian law schools. *Amici* therefore possess a unique professional, personal, and scholarly understanding of the military and civilian justice systems, the important and distinct constitutional values each advances, and the limited circumstances in which they can lawfully overlap.

*Amici* submit this brief to ensure that the perspective of experienced former military legal professionals is represented before this Court. They have a profound

interest in preserving the bedrock constitutional principle of civilian control of the military, safeguarding independent civilian prosecutorial discretion, maintaining the Posse Comitatus Act's vital boundaries, and thereby protecting and promoting the rule of law. They are deeply concerned that deploying JAGs to prosecute civilians in federal court in cases without a substantial military nexus erodes vital democratic norms, harms military readiness, and impermissibly inserts the military into civilian law enforcement's core functions.

All the requirements for a brief of *amici curiae* before this Court are satisfied. The proposed brief is timely and will not delay the Court's resolution of Mr. Johnson's pending motion given that it is filed before briefing on Mr. Johnson's motion has concluded. No counsel for either party authored the proposed brief in whole or part. No person other than the *amici* or their counsel contributed money intended to fund the preparation or submission of the proposed brief. *See* Fed. R. App. P. 29(a)(4)(E). And all parties have consented to the filing of this brief of *amici curiae*.

For the foregoing reasons, *amici* respectfully request this Court's leave to appear as *amici curiae* and to deem the accompanying proposed brief of *amici curiae* filed.

Respectfully submitted,

Dated: March 10, 2026

Zachary T. West\*  
PROTECT DEMOCRACY PROJECT  
2020 Pennsylvania Ave NW, Suite 163  
Washington, DC 20006  
Tel: (202) 579-4582  
Fax: (202) 769-3176  
zachary.west@protectdemocracy.org

Beau C. Tremitiere\*  
PROTECT DEMOCRACY PROJECT  
300 Center Ave, Suite G-251  
Superior, CO 80027  
Tel: (202) 579-4582  
Fax: (202) 769-3176  
beau.tremitiere@protectdemocracy.org

*Counsel for Amici Curiae*

/s/ John R. Marti

John R. Marti  
*Counsel of Record*  
Dorsey & Whitney  
LLP  
50 South 6th St, Suite 1500  
Minneapolis, MN 55402  
Tel: (612) 492-6775  
Fax: (612) 677-3265  
marti.john@dorsey.com

*\*Motions for admission Pro  
Hac Vice forthcoming*

## CERTIFICATE OF SERVICE

I, John R. Marti, hereby certify that on March 10, 2026, I electronically filed the foregoing Unopposed Motion For Leave to File Brief of *Amici Curiae* former U.S. Military Lawyers with the Clerk of the Court for the United States District Court for Minnesota by using the CM/ECF system. A true and correct copy of this brief has been served via the Court's CM/ECF system on all counsel of record.

Dated: March 10, 2026

/s/ John R. Marti  
John R. Marti