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September 23, 2019

Hon. Catherine O'Hagan Wolfe
Clerk
United States Court of Appeals
for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Oneida Indian Nation v. U.S. Dep't of Interior*, No. 18-2607
To Be Argued September 27, 2019 Before Jacobs, Sack and Hall, C. JJ.

Dear Ms. Wolfe:

I represent Appellant Oneida Indian Nation. Pursuant to Fed. R. App. P. 28(j), I submit this letter to advise the Court of the recent decision in *Citizens for Responsibility and Ethics in Washington*, Docket No. 18-474 (2d Cir. Sept. 13, 2019). That decision addresses Article III standing principles, including (a) principles concerning the treatment of a complaint's standing allegations when there were no factual disputes and no fact-finding in the District Court and (b) principles guiding analysis of the traceability and redressability elements of standing when a defendant argues that a third party may have contributed to a plaintiff's alleged harm. The application of those principles in the decision is relevant to standing arguments presented by the parties in this appeal. *See* Opening Br. 24-61; Answering Br. 12-37; Reply Br. 3-22.

Sincerely,

/s/ Michael R. Smith

Michael R. Smith

cc: All Counsel of Record