

Arnold & Porter

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February 22, 2018

VIA ECF

Gino J. Agnello
Clerk of Court
United States Court of Appeals for the Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 S. Dearborn Street
Room 2722
Chicago, IL 60604

Re: *Roberts v. Federal Housing Finance Agency*, No. 17-1880
Notice of Supplemental Authority under Fed. R. App. P. 28(j)
and Circuit Rule 28(e)

Dear Mr. Agnello:

Pursuant to Federal Rule of Appellate Procedure 28(j) and Seventh Circuit Rule 28(e), the FHFA Appellees write to notify the Court of the denial of petitions for writs of certiorari in *Perry Capital LLC v. Mnuchin*, 864 F.3d 591 (D.C. Cir. 2017). See Supreme Court Order at 3 (Feb. 20, 2018), available at https://www.supremecourt.gov/orders/courtorders/022018zor_fd9g.pdf.

As both sides discuss extensively in their briefs, *Perry Capital* upheld the dismissal of claims challenging the Third Amendment that are materially identical to Appellants' claims. The D.C. Circuit held that these claims are barred by 12 U.S.C. §§ 4617(j) and 4617(b)(2)(A). 864 F.3d at 604-16, 623-28. As a result of the denial of the certiorari petitions, there will be no further appellate review of the D.C. Circuit's holdings on these claims.

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Sincerely,

/s/ Howard N. Cayne

Howard N. Cayne

*Counsel for Appellees Federal
Housing Finance Agency and Melvin
L. Watt*

cc: Counsel of Record (by ECF)

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2018, an electronic PDF of this Rule 28(j) letter was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

/s/ Howard N. Cayne
Howard N. Cayne