

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA
VIDAL, *et al.*,

Plaintiffs,

v.

PETER T. GAYNOR, *et al.*,

Defendants.¹

No. 16-cv-4756 (NGG) (VMS)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (VMS)

NOTICE

Further to Defendants' January 14, 2021 Notice, *Batalla Vidal* ECF No. 363, Defendants respectfully notify the Court and the Plaintiffs that, after Defendants' previous notice was filed, the Department of Homeland Security submitted certain Federal Vacancies Reform Act forms to the United States Senate. Those forms are attached to this filing as Exhibit 1.

¹ In both of the above-captioned matters, Acting Secretary of Homeland Security Peter T. Gaynor is automatically substituted as a Defendant for former Acting Secretary of Homeland Security Chad F. Wolf, pursuant to Federal Rule of Civil Procedure 25(d).

Dated: January 19, 2021

Respectfully submitted,

JOHN V. COGHLAN
Deputy Assistant Attorney General

SETH D. DUCHARME
Acting United States Attorney

BRAD P. ROSENBERG
Assistant Branch Director

/s/ Stephen M. Pezzi
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Attorneys for Defendants

Office of the General Counsel
Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

JAN 14 2021

The Honorable Michael R. Pence
President of the Senate
S-212, Capitol Building
Washington, DC 20510

Re: Federal Vacancies Reform Act Submissions

Dear Mr. Vice President:

On behalf of the Department, I submit forms for a *discontinuation of service in an acting role* and a *designation of an acting officer* for a position that is covered by the Federal Vacancies Reform Act of 1998, Pub. L. No. 105-277 as codified in 5 U.S.C. § 3345 *et seq.*

Should you have any questions or otherwise require agency contact in this matter, please contact Mr. Leo Boucher at (202) 447-3623 or via email at leo.boucher@hq.dhs.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neal J. Swartz".

Neal J. Swartz
Associate General Counsel for General Law

Attachments:

Discontinuation of service in an acting role DHS – Secretary
Designation of an acting officer, DHS – Secretary

Submission Under the Federal Vacancies Reform Act

Addressees

- ☒ President of the United States Senate
 ☐ Speaker of the U.S. House of Representatives
 ☐ Comptroller General of the United States

This Report Provides Notification of:

- ☐ Vacancy
 ☒ Designation of acting officer
 ☐ Nomination
 ☐ Action on nomination
☐ Change in previously submitted reported information
 ☐ Discontinuation of service in acting role
 (date: _____)

Name of Department or Agency and Any Suborganization

U.S. Department of Homeland Security, Office of the Secretary

Vacancy Title

Secretary

Date Vacancy Began

04/10/19

Name of Acting Officer

Gaynor, Peter T.

Date Service Began

01/12/21

Authority for Acting Designation if Other Than Vacancies Act

6 USC § 113(g)(2); 5 USC 3345

Name of Nominee for Position

Date Nomination Submitted

Action on Nomination:

☐ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Leo E. Boucher III, Asst. General Counsel, Administrative Law, General Law Division

Contact's Address

Department of Homeland Security

Contact's Phone Number

Contact's E-Mail Address

Submitted By

Name and Title

Neal J. Swartz, Associate General Counsel for General Law

Telephone Number

Signature



Date

JAN 14 2021

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

Addressees

- ☒ President of the United States Senate
 ☐ Speaker of the U.S. House of Representatives
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This Report Provides Notification of:

- ☐ Vacancy
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 ☐ Action on nomination
☐ Change in previously submitted reported information
 ☒ Discontinuation of service in acting role
 (date: 01/11/21)

Name of Department or Agency and Any Suborganization

U.S. Department of Homeland Security, Office of the Secretary

Vacancy Title

Secretary

Date Vacancy Began

04/10/19

Name of Acting Officer

Wolf, Chad F.

Date Service Began

11/13/19

Authority for Acting Designation if Other Than Vacancies Act

Name of Nominee for Position

Date Nomination Submitted

Action on Nomination:

☐ Confirmed
 ☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Leo E. Boucher III, Asst. General Counsel, Administrative Law, General Law Division

Contact's Address

Department of Homeland Security

Contact's Phone Number

Contact's E-Mail Address

Submitted By

Name and Title

Neal J. Swartz, Associate General Counsel for General Law

Telephone Number

Signature



Date

JAN 14 2021

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Committee of Jurisdiction

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