

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

---

**No. 20-5143**

**September Term, 2019**

FILED ON: JUNE 24, 2020

IN RE: MICHAEL T. FLYNN,  
PETITIONER

---

On Emergency Petition for a Writ of Mandamus

---

Before: HENDERSON, WILKINS and RAO, *Circuit Judges*.

**ORDER**

Upon consideration of the emergency petition for a writ of mandamus, the responses thereto, and the reply, the briefs of amici curiae in support of the parties, and the argument by counsel, it is

**ORDERED** that Flynn's petition for a writ of mandamus be granted in part; the District Court is directed to grant the government's Rule 48(a) motion to dismiss; and the District Court's order appointing an amicus is hereby vacated as moot, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk

Date: June 24, 2020

Opinion for the court filed by Circuit Judge Rao.  
Opinion dissenting in part filed by Circuit Judge Wilkins.