

No. 22-1233

In the Supreme Court of the United States

LAW OFFICES OF CRYSTAL MORONEY, P.C., PETITIONER

v.

CONSUMER FINANCIAL PROTECTION BUREAU

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT*

MEMORANDUM FOR RESPONDENT

ELIZABETH B. PRELOGAR
*Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217*

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Petitioner contends (Pet. i, 12, 19) that the statute providing funding to the Consumer Financial Protection Bureau (CFPB), 12 U.S.C. 5497, violates the Appropriations Clause, U.S. Const. Art. I, § 9, Cl. 7. Both the district court, Pet. App. 32a-34a, and the court of appeals, *id.* at 11a-16a, rejected that contention. The court of appeals found “no support” for petitioner’s argument in “the Constitution’s text,” “in the history of the Appropriations Clause,” or “in Supreme Court precedent.” *Id.* at 13a-15a.

On February 27, 2023, this Court granted the government’s petition for a writ of certiorari in *CFPB v. Community Financial Services Association of America, Limited*, No. 22-448, to consider the same question presented by the petition in this case. Accordingly, the government agrees with petitioner (Pet. 4, 14, 20) that

the petition in this case should be held pending the decision in *Community Financial Services Association* and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

JULY 2023

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.