

IN THE SUPREME COURT OF THE UNITED STATES

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No. 23-1187

FOOD AND DRUG ADMINISTRATION, ET AL., PETITIONERS

v.

R.J. REYNOLDS VAPOR CO., ET AL.

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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MOTION FOR LEAVE TO DISPENSE WITH  
PREPARATION OF A JOINT APPENDIX

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Pursuant to Rule 26.8 of the Rules of this Court, the Solicitor General, on behalf of petitioners, respectfully seeks leave to dispense with the requirement of a joint appendix in this case. The question presented is whether, under 21 U.S.C. 3871(a)(1), a tobacco manufacturer may file a petition for review in a circuit (other than the D.C. Circuit) where it neither resides nor has its principal place of business, if the petition is joined by a seller of the manufacturer's products that is located within that circuit. The orders of the court of appeals and the Food and Drug Admin-

istration are appended to the petition for a writ of certiorari. In our view, no other portion of the record merits special attention warranting the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of this case.

Counsel for respondents has authorized us to state that respondents consent to this motion.

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General  
Counsel of Record

NOVEMBER 2024