



U.S. Department of Justice
Office of the Solicitor General

Washington, D.C. 20530

June 30, 2015

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Marvin Green v. Megan J. Brennan, Postmaster General
S. Ct. No. 14-613

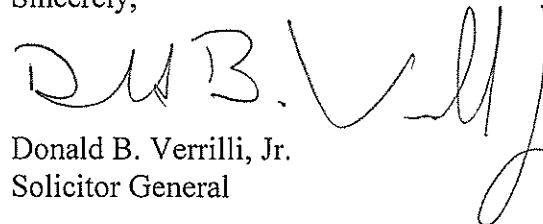
Dear Mr. Harris:

The Court granted certiorari in this case on April 27, 2015. In opposing certiorari, the government did not express a position about the correctness of the rationale in the court of appeals' opinion, but it did contend that the court of appeals' judgment should be affirmed even under petitioner's own proposed test for evaluating when, under federal employment discrimination law, the filing period for a constructive-discharge claim begins to run.

This letter is being submitted to inform the Court that the Solicitor General has determined that the government will not defend the rationale of the court of appeals' decision. Because the government will, however, continue to defend the court of appeals' judgment, the government will not file a brief as respondent supporting petitioner on July 6, 2015 (the deadline for petitioner's brief on the merits).

Under the circumstances, the Court may wish to invite an amicus curiae to file a brief to defend the rationale of the court of appeals' decision. If the Court wishes to do so and asks the amicus curiae to file such a brief on August 27 (the current deadline for respondent's brief on the merits), the government would be prepared to file its brief supporting affirmance 30 days earlier, on July 28, 2015. Petitioner's reply brief could be due 30 days after the amicus curiae's brief, and, if permitted by the Court, the government would also be prepared to file a reply brief (limited to the issues in the amicus curiae's brief) on the same date.

Sincerely,



Donald B. Verrilli, Jr.
Solicitor General

cc: See Attached Service List

14-0613
GREEN, MARVIN
MEGAN J. BRENNAN, POSTMASTER GENERAL

MARILYN CAIN GORDON
7603 GEORGIA AVENUE NW
SUITE 304
WASHINGTON, DC 20012

ELISA MORAN
8451 EAST OREGON PLACE
DENVER , CO 80231

JOHN MOSBY
621 17TH STREET
SUITE 2445
DENVER , CO 80293

BRIAN WOLFMAN
STANFORD LAW SCHOOL
SUPREME COURT
LITIGATION CLINIC
559 NATHAN ABBOTT WAY
STANFORD , CA 94305
650 498-8229
BWOLFMAN@STANFORD.EDU