

## Twitter Thread by Mike Dunford

Mike Dunford

@questauthority



**I went over the dismissal on my stream, but a few thoughts on where things are at:**

**1: The Notice of Appeal doesn't shock me; I figured Louie would be this dumb.**

**2: As was the case with the case at the District Court, it doesn't really matter how vigorously Pence defends this.**

And the appeal has been noticed. [pic.twitter.com/o4g4ES1wrU](https://pic.twitter.com/o4g4ES1wrU)

— Kyle Cheney (@kyledcheney) January 2, 2021

3: The lack of standing is so spectacularly, glaringly obvious that it doesn't really matter whether Pence raised certain arguments; they will get noticed by the court.

4: That's because federal courts have an independent duty to ensure they have jurisdiction.

5: Standing is a jurisdictional requirement; no standing means no case.

6: The rules for standing are clear and nothing in the opinion dismissing the case was the least bit controversial in any universe except the alternate one inhabited by Louie and the Arizonan cosplayers.

7: "But it's the 5th Circuit" will be raised both by Trumpistians and those who are exceptionally nervous. There is exactly as much reason to be concerned about the 5th as there was the trial court: ie none at all.

So - my expectations:

Given the timeline, I suspect that Louie will be granted an expedited appeal and will lose on an expedited basis. I also expect that he will appeal to SCOTUS and the appeal there will not be expedited.

I think this case, the Kraken cases, the son of the Kraken case, the son of the son of the Kraken case, and the various procedurally stupid Trump cases will be deadlisted at a late January/early February conference.

And this segment of the litigation will end there.

We have not yet seen what legal theories await us beyond the veil of the Joint Session, but I'm sure they'll try and pull something else out of their ass and whatever they do will be yet dumber than whatever came before.

\*sighs\*

For those angry at my insult to White Castle: please re-read. I said a \*microwaved\* White Castle - like the ones in the frozen section of the supermarket. Not the real ones from the real restaurants, which are really awesome.