

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-7044**September Term, 2018****1:16-cv-02020-RJL****Filed On: May 1, 2019**

Rusoro Mining Limited, Gold Fields Limited,

Appellee

v.

Bolivarian Republic of Venezuela,

Appellant

BEFORE: Tatel, Millett, and Pillard, Circuit Judges

ORDER

Upon consideration of the pro se application filed by Reinaldo Enrique Muñoz Pedroza, and the response thereto (captioned as “Reply in Support of Motion to Strike”), which contains a request to strike the pro se application, it is

ORDERED that the pro se application be denied. The application includes a request by the administration of Nicolás Maduro to bar Juan Guaidó and his representatives from arguing this appeal on behalf of Venezuela. On January 23, 2019, the Executive Branch of the United States recognized Guaidó as the Interim President of Venezuela. “What government is to be regarded here as representative of a foreign state is a political rather than a judicial question, and is to be determined by the political department of the government.” Guaranty Trust Co. v. United States, 304 U.S. 126, 137 (1938). The executive branch’s “action in recognizing a foreign government . . . is conclusive on all domestic courts, which are bound to accept that determination” Id. at 138. Furthermore, “the rights of a sovereign state are vested in the state rather than in any particular government which may purport to represent it, and . . . suit in its behalf may be maintained in our courts only by that government which has been recognized by the political department of our government as the authorized government of the foreign state.” Id. at 137; see also Pfizer, Inc. v. Government of India, 434 U.S. 308, 319-20 (“It has long been established that only governments recognized by the United States . . . are entitled to access to our courts”). It is

FURTHER ORDERED that the request to strike the pro se application be denied. “[M]otions to strike, as a general rule, are disfavored.” Stabilisierungsfonds für Wein v. Kaiser Stuhel Wine Distribs. Pty. Ltd., 647 F.2d 200, 201 (D.C. Cir. 1981) (per curiam). In light of the denial of the pro se application, that document no longer presents any live

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issue, making it unnecessary for the court to strike it from the docket. To the extent Appellant requests the court to grant its initial motion to strike, filed on February 28, 2019, that motion was dismissed as moot on March 12, 2019.

Per Curiam