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November 4, 2011

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

I was honored when you nominated me to serve as a judge on the United States Court of Appeals for the Federal Circuit, and again when you resubmitted my nomination in January of this year. I have likewise been gratified by the support my nomination has received, both from professional organizations and from a bipartisan array of colleagues who know me and are familiar with my qualifications. I was particularly honored to receive the public endorsement of six individuals — three from each party — who have served as Solicitor General of the United States.

Although I was first nominated more than 18 months ago, the Senate Judiciary Committee has not held a hearing on my nomination. My understanding is that this inaction results from opposition on the part of one or more members of the Committee minority. While I regret this, I also recognize that any degree of opposition can be enough, as a practical matter, to prevent action by the full Committee or the Senate. Given the passage of time, that appears to be the case here.

Under these circumstances, drawing the process out further does not seem either sensible for me or fair to the Federal Circuit, which has important work to do and deserves to be able to address it with a full complement of active judges. Accordingly, I respectfully request that you withdraw my nomination at this time.

Sincerely,



Edward C. DuMont