

Opinion in Chambers

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SUPREME COURT OF THE UNITED STATES

No. 23A843

PETER K. NAVARRO *v.* UNITED STATES

ON APPLICATION FOR RELEASE PENDING APPEAL

[March 18, 2024]

CHIEF JUSTICE ROBERTS, Circuit Justice.

The application for release pending appeal under 18 U. S. C. §3143(b) is denied. This application concerns only the question whether the applicant, Peter Navarro, has met his burden to establish his entitlement to relief under the Bail Reform Act. The Court of Appeals disposed of the proceeding on the ground that Navarro “forfeited” any argument in this release proceeding challenging the District Court’s conclusion that “executive privilege was *not* invoked,” “forfeited any challenge” to the conclusion that relief would not be required in any event because of the qualified nature of executive privilege, and “forfeited any challenge” to the conclusion that apart from executive privilege, he was still obligated to appear before Congress and answer questions seeking information outside the scope of the asserted privilege. Order in No. 24–3006 (DC, Mar. 14, 2024). I see no basis to disagree with the determination that Navarro forfeited those arguments in the release proceeding, which is distinct from his pending appeal on the merits.