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This week, work continues on the planned celebration of Donald Trump’s 80th birthday, which coincides with Flag Day, on June 14. Work continues on the bizarre structure that is being built to serve as the Ultimate Fighting Championship (UFC) arena for the cage matches that will be held on the White House lawn. UFC President Dana White [has suggested](#) in interviews that the administration is “hoping the spectacle will inspire patriotism among Americans at a time many are feeling uncertain about the economy, foreign conflicts overseas and other issues.”



Taken late last week, this is the latest state of the construction on the South Lawn of the White House.

It's impossible to avoid conjuring images of what would have happened if Barack Obama, Bill Clinton, or George Bush—either of them—had built a venue for cage matches on the White House South Lawn. The spectacle is part Hunger Games, part Back to the Future...

The Pentagon is [recruiting](#) soldiers to attend in uniform, after paying for their own travel. They must also be tall and fit. “No fatties” will be permitted to attend, according to a [CNN report](#). But Trump, according to a medical report released late last Friday, has gained and weighs [238](#) pounds, which is [close to](#) clinical levels of obesity for a man of Trump's stature. He will undoubtedly be in attendance since the fights are how America will mark his birthday.

But it's not just the hypocrisy we're in for a dose of this week. As we've been discussing, it's the kleptocracy. And yet, there is good news on this front to take to heart: Lawyers and courts are pushing back, with more developments on the way this week and next.

The \$1.776 billion slush fund Trump is trying to get the courts to sign off on so he can reward January 6 defendants for their loyalty came under attack from an unexpected front last Wednesday, when 35 former federal judges [filed a brief](#) urging Judge Kathleen Williams to reconsider her dismissal of the case. They argued that the situation requires “judicial review of the extraordinary—and historically unprecedented—circumstances presented by this litigation and by the collusive ‘settlement’ that invokes this litigation as the legal justification for its terms.”

The requirement comes from Article III of the Constitution, which requires an *actual* “case or controversy” exist before a federal court can hear a case. Courts [may only consider](#) actual, concrete disputes between adverse parties.

As we've discussed before, although the case is styled as *Trump v. IRS*, it's really Trump on both sides of the “v,” given his assertion of power to control all decisions in the executive branch as the unitary executive. Here, that means, as Trump has [openly said](#), he had the ability to decide how much money he would pay himself to settle the IRS litigation. He even [acknowledged](#) that it “sort of looks bad.” Sort of. Courts only have jurisdiction over truly adversarial proceedings. That means the parties on opposite sides of a case, the plaintiff and the defendant, can't be on the same side.

They must have opposing interests and truly seek a resolution from a judge who acts as a neutral arbiter of their differences.

Even though the case has already been dismissed, the former judges argue that under [Federal Rule of Civil Procedure 60](#), a judgment can be set aside and the case reopened if the judgment results from a fraud on the court. “The purported ‘settlement’ that the parties never placed before this Court raises profound questions about the parties’ candor toward the Court and manipulation of the judicial system, which threatens to undermine confidence in the administration of justice.” They argue that they are entitled to ask for relief even though they were not parties to the original lawsuit, because under caselaw in the Eleventh Circuit (this case is out of a federal district court in Florida), “in ‘extraordinary circumstances,’ a non-party may raise a challenge of fraud on the court through Rule 60 even when the non-party’s interests are not directly affected by the judgment.” The judges go on to explain their view that the circumstances here are, indeed, extraordinary.

The Court was deceived. Despite Plaintiffs not having mentioned any settlement in their Notice, the Department of Justice (“DOJ”) publicly announced a “settlement” of this action shortly after Plaintiffs filed their dismissal. That “settlement” commandeers the contrived sum of \$1.776 billion from the United States Treasury, to be handed out to recipients chosen by a commission effectively controlled by the President.³ The DOJ is calling this the “Anti-Weaponization Fund.” The day after the “settlement” containing the Anti-Weaponization Fund was announced, the DOJ announced that it had subsequently agreed to release “any and all claims . . . whether presently known or unknown, that—as of the Effective Date of the Settlement Agreement—have been or could have been asserted by [the United States] against any of the Plaintiffs or related or affiliated individuals . . . or parties . . . by reason of, with respect to, in connection with, or which arise out of . . . any matters currently pending or that could be pending . . . before Defendants or other agencies or departments.”⁴ The plain language of this extremely broad provision sweeps in Internal Revenue Service (“IRS”) audits of Plaintiffs’ tax returns and all other claims the United States

The argument is a smart one, asking the court to set aside its earlier dismissal of the case and open an inquiry into whether there truly was a case and controversy here and whether Trump perpetrated a fraud on the court: “Movants submit that this ‘settlement’ [the slush fund] is a product of collusion and is itself a fraud on the Court. But the Court need not decide that ultimate issue now. At this juncture,

Movants request only that the Court exercise its powers under Rule 60 to set aside its order ending the case based upon Plaintiffs' voluntary dismissal. That will allow the Court to commence an inquiry into whether the Court was deceived, including with respect to the existence of an underlying case or controversy and any purported arms-length negotiations undertaken to resolve it."

In Trump's case, the creation of a settlement fund that allocates an exceptional amount of taxpayer funds that have not been designated for this purpose by Congress suggests the parties were not adversaries. This is not the kind of deal the Justice Department could sign off on, yet here, both the acting Attorney General Todd Blanche and the Associate Attorney General Stan Woodward have personally put their signature on parts of it. In addition to getting free use of taxpayer funds, Trump sweetened the deal by giving himself and his family forgiveness from any debts they owe the government, which some estimates suggest could be as high as \$100 million owed from tax audits. In their brief, the judges write that the Trump plaintiffs' lawsuit amounts to manipulation of the court, "which threatens to undermine confidence in the administration of justice." They continue:

"The parties have used this lawsuit—which was never an adversarial proceeding over which the Court even had jurisdiction—as a means to allow a 'commission' controlled by the President to dole out \$1.776 billion in taxpayer dollars without constitutional or congressional authority to do so, and to confer unlawful private benefits to the President and his family by purportedly prohibiting the United States from prosecuting any and all claims against them ... the parties' settlement was not, and never will be, legally justified."

Judge Williams [responded](#) to the motion quickly, requiring Trump's lawyers to answer for allegations that they committed a fraud on the court and filed the president's lawsuit against the IRS as a "collusive" effort to create the \$1.8 billion "anti-weaponization" fund.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 26-20609-CV-WILLIAMS

PRESIDENT DONALD J. TRUMP, *et al.*,

Plaintiffs,

v.

INTERNAL REVENUE SERVICE, *et al.*,

Defendants.

ORDER

THIS MATTER is before the Court on the Motion to Reopen Case filed by thirty-five former federal judges ("**Motion**") (DE 63). In the Motion, the non-party movants ask this Court to reopen the instant case pursuant to Rule 60 of the Federal Rules of Civil Procedure, arguing that the Court should "exercise its authority under Rule 60 to set aside the judgment in this lawsuit . . . [and] resume its inquiry into whether there is an actual underlying case or controversy[.]" (DE 63 at 6). The non-party movants explain that although there is no settlement of record in this matter, public documents and announcements indicate that the dismissal of this case was premised on a purported settlement between the Parties.¹ In turn, movants submit that the settlement "is a product of collusion and is itself a fraud on the Court." (*Id.* at 9).

The Judge notes that she is also entitled to "investigate serious misconduct as a collateral issue within the purview of Rule 11 and determine 'whether an attorney has abused the judicial process.'" She can take up a [Rule 11](#) inquiry on her own, without a request from a party, and may ask the offending party to explain what it has done. The Trump plaintiffs are to respond to the former judges' motion by June 12, and specifically, they must answer:

- (1) the charges of collusion and whether the Parties are truly adverse;
- (2) the assertion that the dismissal in this case was premised on deception by the Parties; and
- (3) the question of whether the case should be reopened because the Court was the "victim of a fraud."

She has granted the judges the ability to file a reply if they choose to by June 19, suggesting that she accepts their argument that they are entitled to file to reopen the proceedings, which the Trump plaintiffs will, naturally, deny.

Here, the non-party movants advance grievous allegations that Plaintiffs voluntarily dismissed this litigation solely to avoid judicial scrutiny of a lawsuit that “was collusive from the start” and was only filed to provide the imprimatur of legality for an unlawful settlement. (DE 63 at 16). They point to the fact that the settlement in question includes a “three-paragraph addendum² . . . [that] purports to ‘forever bar[] and preclude[]’ the United States from pursuing claims that could have been [otherwise] asserted [against] Plaintiffs,” (*Id.* at 8), and highlight the fact that Defendants did not “even try[] to defend against Plaintiffs’ claims” despite their active opposition to nearly identical claims in other litigation.³ (*Id.* at 16). Finally, the non-party movants assert that Plaintiffs’ claims were “clearly untimely” and therefore untenable. (*Id.*).

Two footnotes in the Judge’s order suggest that she is already highly skeptical of how the Trump plaintiffs proceeded in the case:

- Footnote Two points out that the highly beneficial settlement Trump obtained “may be in conflict with internal Department of Justice policies that require the Department to only enter into compromises that are ‘specifically limited to the immediate subject matter of the claim which was in fact compromised.’” She makes a note that the addendum “was signed only by the Acting Attorney General.” This suggests that the expansive relief the Trumps exacted from the government is inappropriate because it goes beyond addressing the harms raised in the lawsuit, which is about disclosure of Trump’s tax returns by a contract employee at the IRS who disclosed Trump’s along with others.
- In Footnote Three, the Judge writes that she “is aware of reporting that the IRS prepared a memorandum outlining ways to challenge Plaintiffs’ claims” and that those “defenses are consistent with the positions taken by the IRS and the Department of Justice in other litigation.” This suggests she believes the Trumps got special treatment not available to other litigants when the government caved and settled the case.

² This addendum, as the non-party movants point out, may be in conflict with internal Department of Justice policies that require the Department to only enter into compromises that are “specifically limited to the immediate subject matter of the claim which was in fact compromised.” (DE 63 at 8). The addendum was signed only by the Acting Attorney General.

³ The Court is aware of reporting that the IRS prepared a memorandum outlining ways to challenge Plaintiffs’ claims. Andrew Duehren, *The I.R.S. Thought It Could Fight Trump’s Lawsuit, but It Struck a Deal Anyway*, N.Y. Times (May 19, 2026), <https://www.nytimes.com/2026/05/19/admin/irs-trump-lawsuit-deal.html>. These defenses are consistent with the positions taken by the IRS and the Department of Justice in other litigation.

There are other challenges to Trump’s slush fund underway. Judge Leonie Brinkema, in the Eastern District of Virginia, became the first judge to enjoin Trump from operating it. She has set a hearing for mid-June. The plaintiff in that case is Andrew Floyd, a former federal prosecutor—he was fired last July—who headed a task force that prosecuted January 6 cases.

ANDREW FLOYD, et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:26-cv-1399 (LMB/IDD)
)	
DEPARTMENT OF JUSTICE, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is plaintiffs’ Expedited Motion for Briefing Schedule (“Expedited Motion”), which requests an expedited briefing and hearing schedule for its pending Motion for Temporary Restraining Order, Or in the Alternative, a Preliminary Injunction with Expedited Briefing and for a Stay Under 5 U.S.C. § 705 (“Motion”). See generally, [Dkt. No. 30]. Defendants oppose this Motion, requesting additional time to respond. See id. at 3-4. Because full briefing of the issue will enhance the ability of the Court to make a sound decision, plaintiffs’ Expedited Motion, [Dkt. No. 30], is DENIED and defendants’ request for additional time is GRANTED; however, to ensure that no funds are irreversibly disbursed from the Anti-Weaponization Fund (hereinafter, “Fund”) while plaintiffs’ Motion is pending, it is hereby

ORDERED that defendants be and are ENJOINED from taking any further action pursuant to the creation or operation of the Anti-Weaponization Fund, which includes the transferring of money to the Fund; the consideration of any claims submitted to the Fund; and the disbursing of any funds from the Fund;¹ and it is further

¹ It is important that the status quo be maintained until plaintiffs’ pending Motion has been resolved, especially as plaintiffs allege in their Expedited Motion that defense counsel “was unable . . . to provide assurances of how long [the] status quo would last” and declined plaintiffs’

As if the slush fund wasn’t a strong enough signal to Trump supporters about the rewards for loyalty, the government moved to dismiss the indictments of the Oath Keepers and Proud Boys whose convictions had previously been pardoned or commuted. But not so fast.

UNITED STATES OF AMERICA,

v.

ELMER STEWART RHODES III, et al.,

Defendants.

Criminal No. 22-cr-00015 (APM)

ORDER

On May 22, 2026, the government moved under Federal Rule of Criminal Procedure 48(a) to dismiss the indictment with prejudice against Defendants Elmer Stewart Rhodes III, Kelly Meggs, Kenneth Harrelson, Jessica Watkins, Roberto Minuta, Joseph Hackett, David Moerschel, and Edward Vallejo. See Gov't's Unopposed Mot. to Dismiss Indictment, ECF No. 967 [hereinafter Gov't Mot.]. According to the motion, "[t]he government has determined in its prosecutorial discretion that dismissal of this criminal case is in the interests of justice." *Id.* at 1. The motion is unopposed. See *id.*

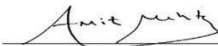
The court defers ruling on the government's request until it receives additional information. The D.C. Circuit in *United States v. Anmidown* addressed the court's responsibilities when faced with a Rule 48(a) motion of the kind filed here. Describing what it called a "distinctly different situation" "when the defendant concurs in the dismissal but the [trial] court is concerned whether the action sufficiently protects the public," the court of appeals articulated three guiding principles. 497 F.2d 615, 620 (D.C. Cir. 1973). First, "Rule 48(a)'s requirement of judicial leave . . . gives the court a role in dismissals following indictment." *Id.* Second, "in the exercise of its responsibility, the court will not be content with a mere conclusory statement by the prosecutor

that dismissal is in the public interest, but will require a statement of reasons and underlying factual basis." *Id.* And third, "the court does not have primary responsibility, but rather the role of guarding against abuse of prosecutorial discretion." *Id.* The court summarized that Rule 48(a) "contemplates exposure of the reasons for dismissal 'in order to prevent abuse of the uncontrolled power of dismissal previously enjoyed by prosecutors,' and in pursuance of this purpose 'to gain the Court's favorable discretion, it should be satisfied that the reasons advanced for the proposed dismissal are substantial.'" *Id.* (citation omitted).

The government's motion here is insufficiently detailed to allow the court to heed *Anmidown's* principles. The government has offered little more than a "conclusory statement" that dismissal is in the public interest. See Gov't Mot. at 1. It provides neither a "statement of reasons" nor the "underlying factual basis" for the request. See *id.* As a result, the court lacks the information necessary both to determine whether "the reasons advanced for the proposed dismissal are substantial" and to guard against "abuse of prosecutorial discretion."

To enable the court to carry out its proper role under Rule 48(a), the government shall supplement its motion to dismiss by June 5, 2026.

Dated: May 29, 2026


Amit P. Mehta
United States District Judge

District Judge Amit Mehta ruled on Friday that the government's motion to dismiss was insufficient. He asked for a "statement of reasons" that goes beyond a "conclusory statement" to justify the dismissal. Increasingly, the presumption of regularity is out the window, and federal judges are demanding that the government dot the i's and cross the t's like any other litigant would have to.

So heading into the coming week, the government will have to get to work justifying its slush fund and its efforts to erase the cases against the most violent of January 6, even as it deals with another judge's rejection of the "Trump Kennedy Center" the president tried to create.

Trump has tried to lay claim to absolute power to rule the executive branch, if not the country. He's manifested that claim in ways too numerous to count, everything from deciding to tear down the East Wing of the White House, to shutting down vital government agencies like USAID, to directing the Justice Department to indict people he viewed as enemies. He shows utter contempt for American democracy. Holding an Ultimate Fighting Championship on the lawn of the White House is a mark of disdain for what the presidency is supposed to represent.

It's important that the federal judiciary is holding the line. If you're reading this newsletter, I know you're doing your part. But far too many of our fellow Americans have resumed being frogs in the boiling pot of water. Trump continues to plunge in the polls, but we need more than that. We need loud and widespread condemnation of him in the court of public opinion, not just because the price of gas is high, but because he would bring our democracy to an all-time low. We must work as hard as we can to ensure as many people as possible understand this before the midterm elections.