

directive compelling the Executive Branch to disclose information that is classified or otherwise implicates national security is itself immediately appealable as a collateral order. Cf. Mohawk Industries, Inc. v. Carpenter, 558 U.S. 100, 113 n.4 (2009).

The court of appeals thus correctly held that it had appellate jurisdiction to review and stay the portion of the September 5 order that requires the government to turn over the documents bearing classification markings for special-master review. And even if there were some doubt on that score, applicant certainly cannot establish the clear error required to justify the relief he seeks -- particularly because he does not acknowledge, much less attempt to rebut, the court of appeals' conclusion that the district court's order was a serious and unwarranted intrusion on the Executive Branch's authority to control the use and distribution of extraordinarily sensitive government records. The application should be denied.

STATEMENT

A. Statutory And Factual Background

1. Applicant's term of office ended in January 2021. Over the next year, the National Archives and Records Administration (NARA) endeavored to recover what appeared to be missing records subject to the Presidential Records Act of 1978 (PRA), Pub. L. No. 95-591, 92 Stat. 2523 (44 U.S.C. 2201 et seq.). App. A at 3-4; App. D at A44. The PRA provides that the United States retains