

No. 25-5243

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**In the United States Court of Appeals  
for the District of Columbia Circuit**

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REFUGEE AND IMMIGRANT CENTER FOR  
EDUCATIONAL AND LEGAL SERVICES, *et al.*,  
*Appellees*,

v.

KRISTI NOEM, *et al.*,  
*Appellants*.

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**On Appeal from the United States District Court for  
the District of Columbia**

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**Brief *Amicus Curiae* of  
America's Future  
in Support of Defendants-Appellants and Reversal**

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**CERTIFICATE AS TO  
PARTIES, RULINGS, AND RELATED CASES**

**Parties and *Amicus***

Except for the following, all parties, intervenors, and *amicus curiae* appearing before the district court below and this Court are listed in the briefs for the parties:

*amicus curiae* America's Future.

**Ruling under Review**

References to the ruling at issue appear in the Appellants' Brief filed August 22, 2025.

**Related Cases**

Counsel adopt and incorporate by reference parties' statements with respect to related cases.

**CORPORATE DISCLOSURE STATEMENT**

*Amicus curiae* America's Future, through its undersigned counsel, submits this Corporate Disclosure Statement pursuant to Rules 26.1(b) and 29(c) of the Federal Rules of Appellate Procedure, and Rule 26.1 of the Rules of the United States Court of Appeals for the District of Columbia Circuit.

*Amicus curiae* is a non-stock, not-for-profit corporation, which has no parent company, and no person or entity owns it or any part of it.

*Amicus curiae* is represented herein by William J. Olson, counsel of record, and Jeremiah L. Morgan, of William J. Olson, P.C., 370 Maple Avenue West, Suite 4, Vienna, VA 22180-5615; Patrick M. McSweeney, 3358 John Tree Hill Road, Powhatan, VA 23139; and Rick Boyer of Integrity Law Firm, P.O. Box 10953, Lynchburg, VA 24506.

/s/ William J. Olson  
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## **GLOSSARY OF ABBREVIATIONS**

APA	Administrative Procedure Act
INA	Immigration and Nationality Act
RICELES	Refugee and Immigration Center for Educational and Legal Services

## INTEREST OF *AMICUS CURIAE*<sup>1</sup>

*Amicus* America's Future is a nonprofit organization, exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code. It is dedicated, *inter alia*, to the correct construction, interpretation, and application of law. Its interest also includes protecting the our nation's borders, enforcement of immigration laws, separation of powers, and related issues. America's Future filed an *amicus* brief in support of the government's motion for stay pending appeal on July 9, 2025.

## STATEMENT OF THE CASE

On January 20, 2025, the first day of his second administration, President Trump issued a Proclamation “declaring that ‘the current situation at the southern border qualifies as an invasion’ because ‘the sheer number of aliens entering the United States has overwhelmed the system’ and is ‘prevent[ing] the Federal Government from obtaining operational control of the border.’” *Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem*, 2025 U.S. Dist. LEXIS 126272 at \*3-4 (D.D.C. 2025) (“*RICELES I*”). The Proclamation declared that any aliens who managed to cross the southern border illegally until the emergency is lifted are

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<sup>1</sup> All parties have consented to the filing of this brief *amicus curiae*. No party's counsel authored the brief in whole or in part. No party or party's counsel contributed money that was intended to fund preparing or submitting the brief. No person other than the *amicus curiae*, its members or its counsel contributed money that was intended to fund preparing or submitting this brief.

barred “from invoking any provision of the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 1101, *et seq.*, ‘that would permit their continued presence in the United States, including but not limited to’ the asylum statute, 8 U.S.C. § 1158.” *Id.* at \*5. President Trump relied on his emergency authority under 8 U.S.C. § 1182(f) to “suspend the entry of all aliens or any class of aliens” whenever he “finds” that their entry “would be detrimental to the interests of the United States.” *Id.* at \*18-19.

Thirteen individuals and three NGOs sought injunctive relief alleging, *inter alia*, that the Immigration and Nationality Act (“INA”) bars the Proclamation. *Id.* at \*11. The district court certified a “worldwide” class “consisting of all individuals who are or will be subject to the Proclamation and/or its implementation and who are now or will be present in the United States.” *RICELES I* at \*154. The court enjoined all defendants except the President from enforcing the Proclamation. *Id.* at \*185. Finally, the district court refused to stay its injunction pending appeal, but agreed to “postpone the effective date of its class-wide order by fourteen days.” *Id.* at \*189.

On July 11, 2025, this Court entered an administrative stay of the lower court’s order except as to the named plaintiffs. *Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem*, 2025 U.S. App. LEXIS 17228 (D.C. Cir. 2025). On

August 1, 2025, this Court dissolved the administrative stay, and granted in part and denied in part the government’s motion for a stay pending appeal. *Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem*, 2025 U.S. App. LEXIS 19422 (D.C. Cir. 2025) (“*RICELES II*”).

### SUMMARY OF ARGUMENT

The district court erred in viewing the President’s action under the authority granted under 8 U.S.C. §§ 1185(a) and 1182(f) (both parts of the INA) as being in hopeless conflict with other provisions in the INA. In reality, § 1158(a)(1) and § 1158(b)(2)(C) are the default provisions from asylum and removal under the INA, but there are other provisions as well which can vary those default provisions, as here. Rather than view the INA to contain an internal conflict, 8 U.S.C. §§ 1185(a) and 1182(f) can and should be read to “work in harmony” with the rest of the INA, as supplementing the default provisions (Aplt. Br. at 24). Indeed, as Justice Scalia’s treatise has explained: “[t]he imperative of harmony among provisions is more categorical than most other canons of construction because it is invariably true that intelligent drafters do not contradict themselves.... Hence there can be no justification for needlessly rendering provisions in conflict if they can be interpreted harmoniously.”<sup>2</sup>

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<sup>2</sup> A. Scalia and B. Garner, Reading Law at 180 (Thomson/West: 2012).

## ARGUMENT

### **I. CONGRESS HAS GRANTED TO THE PRESIDENT BROAD AUTHORITY TO CONTROL IMMIGRATION.**

The district court below rejected the President's reliance on 8 U.S.C.

§§ 1185(a) and 1182(f) in taking the actions he did in his Proclamation:

the Court concludes that ... neither the INA nor the Constitution authorizes the changes in immigration law embodied in the Proclamation and implementing guidance.... The President may not assert an authority not found in the text of a statute merely because that additional authority would render his statutorily authorized actions more effective. [*RICELES I* at \*107, \*114.]

With 8 U.S.C. §§ 1185(a) and 1182(f), Congress granted broad supplemental powers to the President to impose restrictions on immigration without the need to seek additional congressional authorization. These powers operate as an exception to the INA's general rules for asylum and removal proceedings, whenever the President deems that additional controls are needed. There is no conflict here, as the statute is written exactly as the Congress chose.

#### **A. Congress Rejected Efforts to Limit the President's Authority Under § 1182(f) to Time of War or National Emergency.**

Section 1182(f)'s title indicates its clear purpose to empower the President to act as he has, with text that has been unchanged to this day:

#### **Suspension of entry or imposition of restrictions by President.**

Whenever the president finds that the entry of any aliens or any class

of aliens into the United States would be detrimental to the interest of the United States, he may by proclamation, and for such period as he shall deem necessary, **suspend the entry of all aliens or any class of aliens**, as immigrants or non-immigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate. [Emphasis added.]

When this provision was being considered, Representative Abraham Multer (D-NY) introduced an amendment that would have added to the beginning of the section, “When the United States is at war or during the existence of a national emergency proclaimed by the President...” 98 *Cong. Rec.* 4423 (1952). Multer argued: “my amendment simply provides that instead of being able to do that at any time, the President may ... effectuate such a suspension only in the event of a national emergency, or a state of war.” *Id.* The INA’s sponsor, Representative Francis Walter (D-PA) responded that the bill’s language was intended to permit the President to restrict immigration for reasons of **national interest** that might **not** rise to the level of a **national emergency**:

We believe that the language ‘whenever the president finds that the entry of any aliens or class of aliens in the United States would be detrimental to the interest of the United States’ is absolutely essential because when there is an outbreak of an epidemic in some country, whence these people are coming, it is impossible for Congress to act. **People might conceivably in large numbers come to the United States and bring all sorts of communicable diseases with them.** More than that, **suppose we have a period of great unemployment?** In the judgment of the committee, **it is advisable at such time to**

**permit the president to say that for a certain time, we are not going to aggravate that situation.** [*Id.* (emphasis added).]

Representative Emanuel Celler (D-NY) “favored the liberalization of immigration laws,”<sup>3</sup> arguing that:

[u]nder the bill, as proposed, **the President is given an untrammelled right, an uninhibited right to suspend immigration entirely.** That is very broad power. There is no restriction upon his power. There is no statement that as a condition precedent for the exercise of such power, there has to be a state of national emergency.... A state of war is not needed. [98 *Cong. Rec.* 4423 (1952) (emphasis added).]

The House overwhelming rejected such warnings and eventually adopted Representative Walter’s bill by a final vote of 278-113, overriding President Truman’s veto.

A similar debate was held on the Senate side. Senator Wayne Morse (D-OR) proposed an amendment which, he argued: “seeks only to bring the procedures in the administration of the proposed immigration law under the provisions of the Administrative Procedure Act.” 98 *Cong. Rec.* 5781 (1952). Morse’s proposed amendment sought to guarantee APA review to every alien challenging for admission. It provided that “[n]otwithstanding any provisions to the contrary, no alien shall be denied a hearing either in exclusion or

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<sup>3</sup> U.S. State Department, “[The Immigration and Nationality Act of 1952 \(The McCarran-Walter Act\)](#).”

deportation proceedings, and **every person aggrieved by an adverse order** in exclusion or deportation proceedings **may obtain court review** in an action for declaratory judgment.” *Id.* at 5781 (emphasis added). Morse argued that “[t]he McCarran ... bill would delegate to the Executive large new powers in the field of immigration, deportation, naturalization, and denaturalization, and would correspondingly **remove congressional and judicial restraints upon executive power** ... [b]y delegating to the President law-making powers now vested in Congress....” *Id.* at 5787 (emphasis added). His amendment was designed to strip that power from the President by providing APA “notice and hearing” and judicial review provisions to any alien proposed to be excluded or deported.

Arguing specifically against the provision that is now § 1182(f), Morse argued that it “authorizes the President to set up new restrictions or **absolute bars upon new immigration, in his plenary discretion, without legislative or judicial guidance**, establishing this power for peace time, as extensively as such power has been established for wartime under earlier legislation.” *Id.* at 5788 (emphasis added). The district court decision ignores the fact that that Multer’s amendment was defeated in the House, and Morse’s amendment was defeated in the Senate. *Id.* at 5789.

**B. Congress Amended § 1185(a) to Remove “Emergency” Language and Make the President’s Authority Permanent.**

Section 1185(a) was developed in a somewhat different manner, yet which leads to the same conclusion, that Congress delegated discretion to the President to create exceptions to the standard asylum and removal rules of the INA where required by the national interest. As originally enacted in 1952, 8 U.S.C. § 1185(a), was designed to allow the President to impose supplemental conditions and restrictions on immigration only in times of emergencies:

When the United States is at war or during the existence of any national emergency proclaimed by the President, ... and the President shall find that the interests of the United States require that restrictions and prohibitions **in addition to those provided otherwise than by this section** be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or the Congress, be unlawful— (1) for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe. [Pub. L. 414, 66 STAT. 190 (June 27, 1952) (emphasis added).]

The House Report on the INA noted that the language of 8 U.S.C. § 1185(a) was drawn nearly verbatim from the Immigration Act of 1917. “The powers of the President to provide additional prohibitions and restrictions on the entry and departure of persons during time of war or the existence of a national emergency are incorporated in the bill (sec. 215) in practically the same form as they now

appear in the act of May 22, 1918 (40 STAT. 559).”<sup>4</sup> That earlier act was H.R. 10264, the Immigration Act of 1917. In the bill, Congress significantly expanded the President’s emergency powers in the midst of World War I. That act dealt with the specific emergency of war and stated:

**when the United States is at war**, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful ... [f]or any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe. [Pub. L. No. 154, 40 STAT. 559 (May 22, 1918) (emphasis added).]

Here, the INA broadened the specific war power under the 1917 Immigration Act to include any general national emergency the President might deem it necessary to declare.

The President’s power was broadened still further when Congress adopted § 1185(a) in its current form. In 1976, Congress had passed the National Emergencies Act, to generally limit the duration of presidential emergency declarations to two years. The Act provided that “[a]ll powers and authorities

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<sup>4</sup> H. Rep. 1365, in 1952 United States Code Congressional and Administrative News 1653, 1708 (1952).

possessed by the President ... as a result of the existence of any declaration of national emergency in effect on the date of enactment of this Act are terminated two years from the date of such enactment.” Pub. L. No. 94-412, 90 STAT. 1255 (Sept. 14, 1976). The law further provided that any presidential declaration of emergency was to be reviewed by Congress every six months, and that Congress would have authority to terminate any such declaration. *See* 90 STAT. 1256.

In 1978, in order to avoid the two-year termination of the President’s authority under 8 U.S.C. § 1185(a), Congress enacted the Foreign Relations Authorization Act, to amend 8 U.S.C. § 1185(a) to its current language:

Unless otherwise ordered by the President, it shall be unlawful ... for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.

The House Conference Report for that amendment specified: “The ... bill **made permanent the authority of the President to regulate the entry of aliens into the United States....** This authority, which is now exercised on an ‘emergency’ basis, would otherwise lapse in September 1978, pursuant to the National Emergencies Act enacted in 1976.” 1978 House Conf. Rep. No. 95–1535, p. 44. Thus, Congress removed the “emergency” language from the statute, expressly to save the President’s power under 8 U.S.C. § 1185(a) from

terminating every two years, and to make a previous “emergency” power a general power of the President, secured against the congressional review which controls emergency presidential powers.

Appellants note with respect to § 1182(f), “the INA’s other provisions governing expedited and non-expedited removal ... are the default method of removal; § 1182(f) is an emergency provision designed to authorize repatriation for a limited period. The provisions work in harmony, not conflict.” Aplt. Br. at 24. The same pertains to § 1185(a). Congress has expressly and intentionally delegated to the President the authority **to alter the default provisions** if he determines the nature of the exigency warrants it. If the President shall find that the interests of the United States require that “limitations and exceptions” be imposed, he is fully within his power to do so. 8 U.S.C. § 1185(a)(1).

## **II. THE COURT BELOW HAS IMPROPERLY ISSUED UNIVERSAL INJUNCTIONS AGAINST TRUMP ADMINISTRATION IMMIGRATION ACTIONS.**

The court below has a history of granting unlawful universal injunctions to stymie Trump Administration immigration policies with which it disagrees. The opinion below was issued by Judge Randolph Moss who, in 2019, enjoined a proclamation issued by President Trump during his first administration, which imposed 90-day moratoria on allowing aliens to seek asylum if they crossed the

border illegally. *O.A. v. Trump*, 404 F. Supp. 3d 109, 116 (D.D.C. 2019). As he did below, Judge Moss certified a vast, global class of “[a]ll noncitizen asylum-seekers who have entered or will enter the United States through the southern border but outside ports of entry after November 9, 2018.” *Id.* at 160.

Both in 2019 and now below, Judge Moss ignored Rule 23’s requirements for certifying a class. As the Supreme Court recently noted in *Trump v. CASA*, 145 S. Ct. 2540 (2025), making the required showing for class certification is not an easy task. Rule 23(a) requires that each of four separate elements be demonstrated before a class can be certified. And, as this Court has stated, certification should “only be granted after a rigorous analysis of whether adjudication of the named plaintiffs’ claims and those of the class would indeed share common issues of fact or law.” *Hartman v. Duffey*, 19 F.3d 1459, 1469 (D.C. Cir. 1994).

Of particular significance here, Rule 23(a)(2) requires that there must be “questions of law or fact common to the class” — the “commonality” requirement. *See Harris v. Med. Transp. Mgmt., Inc.*, 77 F.4th 746, 752 (D.C. Cir. 2023). And, Rule 23(a)(3) requires that “the claims or defenses of the representative parties are typical of the claims or defenses of the class” — the “typicality” requirement. *See Harris* at 752. The Supreme Court has “repeatedly” held that “a class representative must be part of the class and ‘possess the same interest and suffer

the same injury’ as the class members.” *East Tex. Motor Freight Sys. v. Rodriguez*, 431 U.S. 395, 403 (1977) (quoting *Schlesinger v. Reservists Committee to Stop the War*, 418 U.S. 208, 216 (1974)). As this Court has made clear, “[i]n a motion for class certification, the plaintiff bears the obligation to show, in at least a preliminary fashion, the required commonality between her claims and those of the putative class.” *Hartman* at 1472 (internal quotation omitted).

The district court’s purported class — “all individuals who are or will be subject to the Proclamation and/or its implementation and who are now or will be present in the United States” (*RICELS I* at \*154) — lacks a common injury, as it includes some aliens who:

- “do not claim or manifest fear of return and thus cannot claim that the Proclamation has caused them to lose any statutory protections,”
- “are ineligible for asylum or withholding of removal for other reasons, *see* 8 U.S.C. §§1231(a)(5), (b)(3)(B), 1158(a)(2), (b)(2), and thus cannot claim harm from the Proclamation. At most, the Proclamation could only work to expedite these aliens’ repatriation or removal, and they do not suffer the same legal injury asserted by those who are potentially eligible for relief or protection from removal.”
- “will not be processed under the Proclamation at all.” [Motion for Stay at 16.]

Rule 23(b)(1)(A) certification is only “appropriate when the class seeks injunctive or declaratory relief to change an alleged ongoing course of conduct that

is ... **illegal as to all members** of the class.’ *Adair v. England*, 209 F.R.D. 5, 12 (D.D.C. 2002) (citing 5 *Moore’s Federal Practice* § 23.41[4] (3d ed. 2000)).” *Gomez v. Trump*, 490 F. Supp. 3d 276, 292 (D.D.C. 2020) (emphasis added).

Because the Proclamation will indisputably be lawful as to some members of the worldwide class, Rule 23(b)(1)(A) certification is not permissible. The Supreme Court has made clear, “Rule 23(b)(2) applies only when a single injunction or declaratory judgment would provide relief to each member of the class. It does not authorize class certification when each individual class member would be entitled to a *different* injunction or declaratory judgment against the defendant.” *Wal-Mart Stores, Inc. v. Dukes*, 564 U. S. 338, 360 (2011).

Finally, “a Rule 23(b)(3) class action can be maintained when ‘questions of law or fact common to class members **predominate** over any questions affecting only individual members,’ and ‘a class action is **superior** to other available methods for fairly and efficiently adjudicating the controversy.’” *Harris* at 753 (emphasis added). Thus, a purported class must “satisfy ... the two additional requirements of Rule 23(b)(3) — predominance and superiority.” *In re Rail Freight Fuel Surcharge Antitrust Litig.*, 292 F. Supp. 3d 14, 39 (D.D.C. 2017). As this Court has stated, “[m]eeting the predominance requirement demands ... [t]he plaintiffs must also show that they can prove, through common evidence, that **all**

class members were in fact injured by the alleged conspiracy.... [W]e do expect the common evidence to show **all** class members suffered *some* injury.” *In re Rail Freight Fuel Surcharge Antitrust Litig. - Mdl No. 1869*, 725 F.3d 244, 252 (D.C. Cir. 2013) (bolding added). Although “a certified class may include ... potentially uninjured parties,” they may only constitute “a *de minimis* number” of class members. *Rail Freight*, 292 F. Supp. 3d at 134. This Court itself has previously “suggest[ed] that 5% to 6% constitutes the outer limits of a *de minimis* number.” *In re Rail Freight Fuel Surcharge Antitrust Litig. - MDL No. 1869*, 934 F.3d 619, 625 (D.C. Cir. 2019).

The purported “class” here not only “includes aliens who do not claim or manifest fear of return and thus cannot claim that the Proclamation has caused them to lose any statutory protections” (Motion for Stay at 16), but is much more than a *de minimis* number. Andrew Arthur, a former Immigration and Naturalization Service Associate General Counsel and immigration judge, notes that “between FY 2008 and late FY 2019 ... more than 45% [of aliens stopped at the border] never applied for asylum” on the basis of fear of persecution in their home countries.<sup>5</sup> But failure to meet these requirements for class certification in no

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<sup>5</sup> A. Arthur, “[Most illegal immigrants do not qualify for US asylum](#),” *Center for Immigration Studies* (Aug. 16, 2022).

way impeded Judge Moss from certifying a vast, amorphous global class, in violation of Rule 23.

The Supreme Court could not have been any more clear in *Trump v. CASA*. “Because the universal injunction lacks a historical pedigree, it falls outside the bounds of a federal court’s equitable authority under the Judiciary Act.” *CASA* at 2554. In concurrence, Justice Alito clearly warned lower court judges about adhering to the requirements of Rule 23. “[T]oday’s decision will have very little value if district courts award relief to broadly defined classes without following ‘Rule 23’s procedural protections’ for class certification.... The class action is a powerful tool, and we have accordingly held that class ‘certification is proper only if the trial court is satisfied, after a rigorous analysis, that the prerequisites of Rule 23(a) have been satisfied.’” *Id.* at 2566 (Alito, J., concurring). Thus, he cautioned, “district courts should not view today’s decision as an invitation to certify nationwide classes without scrupulous adherence to the rigors of Rule 23.” *Id.* The court below appears to have missed the memo, and this Court should not condone the district court’s class certification.

### III. THE SUPREME COURT HAS REPEATEDLY STRUCK DOWN NATIONWIDE INJUNCTIONS AGAINST ADMINISTRATION POLICIES.

In June 2025 the Supreme Court declared that “universal injunctions ... likely exceed the equitable authority that Congress has granted to federal courts.” *CASA* at 2548. The Court noted that “[n]either the universal injunction nor any analogous form of relief was available in the High Court of Chancery in England at the time of the founding,” and that “universal injunctions were not a feature of federal-court litigation until sometime in the 20th century.” *Id.* at 2551, 2553. The Supreme Court ruled that the “absence [of universal injunctions] from 18th- and 19th-century equity practice settles the question of judicial authority.” *Id.* at 2553. Accordingly, the Supreme Court limited three lower court injunctions against President Trump’s executive order against so-called “birthright citizenship” to only the parties before those courts. After *CASA*, the judicial epidemic of unlawful nationwide injunctions against President Trump’s policies has now morphed into a judicial epidemic of impermissible mass class certifications. *See* Appendix.

But *Trump v. CASA* is hardly unique. Four days earlier, in *Dep’t of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025), the Supreme Court stayed a lower court universal injunction forbidding the administration from transferring illegal migrants to third countries other than their country of origin. When the

district court judge involved insisted that his injunction still stood, the Supreme Court issued a “clarifying” opinion, ruling 7-2 that the lower court not enforce an injunction that had been expressly stayed by the Supreme Court. *Dep’t of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2627 (2025).

On May 19, 2025, the Supreme Court stayed a lower court order enjoining Trump from ending the “Temporary Protected Status” previously granted to Venezuelan immigrants. *Noem v. Nat’l TPS Alliance*, 221 L. Ed. 2d 981 (2025).

On May 30, 2025, the Supreme Court stayed a lower court order enjoining the Trump administration from ending the “blanket parole” program for a half-million aliens from Cuba, Haiti, Nicaragua, and Venezuela. *Noem v. Doe*, 145 S. Ct. 1524 (2025).

On April 7, 2025, the Supreme Court vacated temporary restraining orders temporarily barring the Trump administration from detaining and repatriating “Venezuelan nationals believed to be members of Tren de Aragua (TdA),” a highly violent gang. *Trump v. J.G.G.*, 145 S. Ct. 1003 (2025).

In addition to these cases involving immigration, the Supreme Court has also stayed a large number of nationwide injunctions against Trump administration policies on numerous other issues. Many of the lower courts do not appear to have gotten the message that the Supreme Court has been sending.

**IV. THE EXIGENCY AT THE BORDER IS PRECISELY THE SORT OF SITUATION CONGRESS ENVISIONED IN GIVING THE PRESIDENT SUPPLEMENTAL POWER TO MODIFY ASYLUM AND REMOVAL RULES.**

As this *amicus* argued in its prior *amicus curiae* brief in support of an emergency stay in this matter, the state of affairs at America’s southern border on inauguration day was what Congress envisioned could happen when it enacted § 1185(a). In 2021, more than 2 million border crossers and illegal aliens arrived at the porous southern border — **a foreign population larger than the resident population of Philadelphia**, Pennsylvania. “From January 2021 to August 2021, for example, more than a half million were released into the U.S. interior.”<sup>6</sup>

Biden officials are readily admitting that about half a million border crossers and illegal aliens are expected to show up at the U.S.-Mexico border every month [if the courts allow the administration to end its “Title 42” policy]. **This is the equivalent of a population the size of Atlanta, Georgia, arriving at the border over the course of just 28 to 30 days.** [*Id.* (emphasis added)]

In July 2021, Representative Bob Good (R-VA) visited the border and warned that the U.S. had lost “operational control” of the border.<sup>7</sup> “We have no

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<sup>6</sup> J. Binder, “[Biden’s Next Move: Busing, Flying Thousands of Illegal Aliens into American Communities Every Day](#),” *Breitbart* (Apr. 1, 2022).

<sup>7</sup> A. Shaw, “[GOP rep warns ‘no operational control’ of border after seeing migrants stream in, board flights](#),” *Fox News* (July 1, 2021).

operational control, no legal control, no law enforcement control of our border,” he said. *Id.*

In March 2023, U.S. Border Patrol Chief Raul Ortiz also testified that the Border Patrol had lost operational control of the border. “[Homeland Security] Committee Chairman Representative Mark Green [R-TN] asked Ortiz, ‘Does DHS have operational control of our entire border?’ Ortiz responded, ‘No, sir.’”<sup>8</sup>

In Texas alone, “between June 1, 2011 and July 31, 2019,” illegal immigrants in Texas jails were convicted of “500 homicides; 23,954 assaults; 8,070 burglaries; 297 kidnappings; 14,178 thefts; 2,026 robberies; 3,122 sexual assaults; 3,840 sexual offenses; 3,158 weapon charges and tens of thousands of drug and obstruction charges.”<sup>9</sup>

According to the Texas Department of Public Safety, between June 1, 2011 and July 31, 2025:

329,000 illegal noncitizens were charged with more than 581,000 criminal offenses which included arrests for 1,075 homicide charges; 75,743 assault charges; 10,352 burglary charges; 67,981 drug charges; 1,450 kidnapping charges; 29,597 theft charges; 45,633 obstructing

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<sup>8</sup> N. Mordowanec, “[Border Patrol Chief Admits Biden Official Wrong About ‘Operational Control,’](#)” *Newsweek* (Mar. 15, 2023).

<sup>9</sup> H. von Spakovsky, “[Crimes by Illegal Immigrants Widespread Across U.S. – Sanctuaries Shouldn’t Shield Them,](#)” *Heritage Foundation* (Sept. 3, 2019).

police charges; 3,320 robbery charges; 7,430 sexual assault charges; 8,437 sexual offense charges; and 7,313 weapon charges.<sup>10</sup>

The nationwide numbers are still more staggering:

At the federal, state, and local levels, taxpayers shell out approximately \$182 billion to cover the costs incurred from the presence of more than 15.5 million illegal aliens, and about 5.4 million citizen children of illegal aliens. That amounts to a cost burden of approximately \$8,776 per illegal alien/citizen child. The burden of illegal immigration on U.S. taxpayers is both staggering and crippling, with the gross cost per taxpayer at \$1,156 every year.<sup>11</sup>

According to the House Homeland Security Committee, “169 individuals on the terrorist watchlist were apprehended attempting to enter the country illegally, and at least 1.7 million known gotaways have evaded apprehension since FY2021.”<sup>12</sup> As numerous congressmen have noted, heavily armed drug cartels and human trafficking rings have operational control of our southern border.<sup>13</sup>

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<sup>10</sup> Texas Dep’t of Public Safety, “[Texas Criminal Illegal Noncitizen Data](#)” (updated Aug. 1, 2025).

<sup>11</sup> Federation for American Immigration Reform, “[The Fiscal Burden of Illegal Immigration on United States Taxpayers — 2023 Cost Study](#)” (Mar. 2023).

<sup>12</sup> House Homeland Security Committee, “[FACTSHEET: Final FY23 Numbers Show Worst Year at America’s Borders—Ever](#)” (Oct. 26, 2023).

<sup>13</sup> See, e.g., “[Rep. \[Chip\] Roy: Cartels have ‘operational control’ of border, Kamala Harris has done ‘nothing,’](#)” *Fox News* (Apr. 21, 2021); Rep. Steve Scalise, Press Release, “[Scalise: Biden Gave Control of Southern Border to Drug Cartels](#),” (May 11, 2022) (“Biden turned operational control of our southern border over to the drug cartels. He did it deliberately. He started [on] day one when he stopped building the wall”); A. Shaw, “[GOP rep \[Bob Good\] warns ‘no operational control’](#)”

In December 2023, as Governors Greg Abbott of Texas and Ron DeSantis of Florida continued busing illegal immigrants to major cities across the nation in an effort to alleviate the pressure on their own states, the mayors of many major “blue” cities, including New York, Chicago and Denver, begged for federal help to accommodate the influx.<sup>14</sup> In July 2023, New York City Mayor Eric Adams had declared that New York had “no more room for migrants.”<sup>15</sup> [W]e have reached full capacity,” Adams said. “We have no more room in the city, and we need help.” *Id.*

Numerous leaders have called for action to stem the invasion. Senator Roger Marshall (R-KS) sponsored legislation that would declare an invasion at the southern border, “trigger[ing] language in the Constitution that holds that states may take measures independent of the federal government to repel ‘invaders,’” as the Biden administration openly welcomed more of the same.<sup>16</sup> Marshall noted that “[o]ver 6 million migrants have crossed our southern border under Joe

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[of border after seeing migrants stream in, board flights](#),” *Fox News* (July 1, 2021).

<sup>14</sup> J. Bickerton, “[Democrat Cities Feel Pressure of Migrant Surge](#),” *Newsweek* (Dec. 28, 2023).

<sup>15</sup> S. Rumpf-Whitten, “[NYC Mayor Eric Adams says ‘no more room’ for migrants: ‘Our cup runneth over](#),” *Fox News* (July 20, 2023).

<sup>16</sup> C. Doornbos, “[Sen. Roger Marshall pitching resolution declaring US southern border ‘invasion](#),” *New York Post* (Sept. 26, 2023).

Biden’s watch. That’s **more than double the population of the entire state of Kansas**” (emphasis added). Indeed, by February 2024, more than 7.2 million illegals aliens had entered under the Biden administration alone, more than the population of 36 of our 50 states.<sup>17</sup>

On July 6, 2022, “four county judges in Texas declared an invasion citing Article 4, Section 7 of the Texas Constitution and Article 1, Section 10, Clause 3 of the U.S. Constitution.”<sup>18</sup> They “called on Texas Gov. Greg Abbott to ‘immediately prevent and/or remove all persons invading the sovereignty of Texas and that of the United States.’” *Id.* By January 2024, 51 Texas counties had declared that a state of invasion existed.

Entire Texas towns have been overrun by mobs of illegal aliens that overwhelm their local populations and the services they provide. On September 20, 2023:

[a]n unprecedented surge of 4,000 migrants streamed across the US border with Mexico into Eagle Pass, Texas, on Wednesday — forcing the overwhelmed city to declare a state of emergency. Mayor Rolando Salinas said a separate 2,500-person mob crossed the border into the city illegally Monday, on top of approximately 7,200 illegal

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<sup>17</sup> C. Pandolfo, “[7.2M illegals entered the US under Biden admin, an amount greater than population of 36 states](#),” *New York Post* (Feb. 21, 2024).

<sup>18</sup> B. Blankley, “[Cuccinelli: No judge has ever declared invasion before in U.S. history](#),” *TheCenterSquare.com* (July 6, 2022).

crossers apprehended in the previous week.... Salinas said the new mob, many of them from Venezuela, has overrun Mission Border Hope, the only migrant shelter in the border city. “One of the situations is that a lot of these [migrants], they’re single males and they don’t want to listen to instructions and they’re leaving the facility,” the mayor said. “Not all of these people come in peace.” ... [T]he huge influx over the last week [is] close to 50% of the city’s 29,000 population.<sup>19</sup>

CNN reporter Rosa Flores, on site in El Paso in May 2023, said that the scope of the influx was “difficult to describe ... with words.”<sup>20</sup>

Armed clashes along the border have become more and more frequent.

After U.S. authorities:

arrested two Sinaloa Cartel leaders in late July [2024], sparking a turf war among rival factions ... [a]n internal alert [was] sent out to the El Paso, Texas sector, warn[ing] Border Patrol agents that cartel members are now permitted [by cartel leaders] to fire at them.... President-elect Donald Trump told News Nation that a “military operation” was the answer. “These people have become military,” Trump said. “They’re very rich, have a lot of money. They’re among the richest people, probably in the world.”<sup>21</sup>

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<sup>19</sup> M. Martinez and J. Fitz-Gibbon, “[Overwhelmed Texas city declares state of emergency as over 11K migrants — close to half its population — surge across border](#),” *New York Post* (Sept. 20, 2023).

<sup>20</sup> B. Wilson, “[‘Difficult To Describe With Words’: CNN Reporter Stunned By Number of Illegal Immigrants In Texas City](#),” *Washington Free Beacon* (May 2, 2023).

<sup>21</sup> C. DeLeon, “[Cartel Members Are Now Reportedly Allowed To Shoot at U.S. Border Agents From Across The Border](#),” *Latin Times* (Nov. 11, 2024).

In October, 2023 heavily-armed Texas Rangers and state police assaulted an island in the middle of the Rio Grande to retake it from well-armed drug smugglers.

[T]he Texans ... were about to invade an enemy-held island, this one being a 170-acre, mile-long land mass in the middle of the Rio Grande. The declared enemy: ultra-violent Mexican cartels that have occupied and used it with impunity to smuggle cocaine, heroin, fentanyl, weapons, and illegal immigrants, all while shooting at American cops, riddling Border Patrol boats with bullets, and intimidating Texas farmers, ranchers, and the 180 residents of the isolated Texas riverfront village of Fronzon.<sup>22</sup>

Again and again, gangsters, cartels and human smugglers attack U.S. military, law enforcement and civilians at the border. The list of news stories is nearly endless.<sup>23</sup> No immigration during World War I, when the language in 8

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<sup>22</sup> T. Bensman, "[Texas Seizes Large Sanctuary Island in Campaign Against Cartels](#)," *TheUnitedWest.org* (Oct. 13, 2023).

<sup>23</sup> See, e.g., D. Propper, E. Crane, and J. Taer, "[US Border Patrol and Mexican cartel members trade gunfire at southern border: report](#)," *New York Post* (Jan. 28, 2025); S. Penty and B. Chain, "[Brazen moment Mexican cartel gangsters with high powered rifles open fire on US Border Patrol after Trump branded them terrorists](#)," *Daily Mail* (Jan. 28, 2025); A. Bradley, "[Drug cartels allowing members to shoot at Border Patrol agents](#)," *NewsNationNow.com* (Oct. 17, 2024); A. Giaritelli, "[Suspected Mexican cartel gunman opens fire at US Border Patrol](#)," *Washington Examiner* (Jan. 27, 2025); A. Giaritelli, "[Texas blames Mexican 'cartel violence' after US border rancher killed by IED](#)," *Washington Examiner* (Feb. 25, 2025); D. Dawson, "[Hiker injured in shooting near Jacumba involving 'suspected cartel members'](#)," *Fox5SanDiego.com* (Jan. 23, 2025); B. Melugin and A. Shaw, "[Border Patrol agents fired upon from Mexico, return fire: sources](#)," *Fox News* (Feb. 3, 2022); A. Giaritelli, "[Heavily armed Mexican cartel 'taunting' US](#)

U.S.C. § 1185 was first passed by Congress, even began to do the damage to America that the invasion on the southern border has caused. It is the greatest immigration crisis in the nation's history, by orders of magnitude.

Yet since President Trump's Proclamation exercised his authority under Section 1185(a), the mass migration picture has begun to stabilize. In just his first month in office, "Border Patrol apprehensions at the U.S.-Mexico border fell by 71% from January to February."<sup>24</sup> Apprehensions fell from a peak of 129,000 in April 2024, to just 8,383 in April 2025. *Id.* According to Department of Homeland Security Secretary Kristi Noem, the Border Patrol "recorded just 25,243 encounters nationwide in June 2025 — a figure Noem said marks 'the lowest

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[soldiers at border, Texas authorities say](#)," *Washington Examiner* (Oct. 6, 2021); A. Giaritelli, "[Treasury sanctions Mexican cartel 'involved in' murder of US Marine veteran Nicholas Quets](#)," *Washington Examiner* (June 9, 2025); G. Toohey, "['Gun battle' involving U.S. border agents kills one in San Diego County near Mexico border](#)," *Los Angeles Times* (Mar. 4, 2024); S. Rumpf-Whitten and G. Jenkins, "[Shots fired at Border Patrol agents investigated as 'assault on a federal officer': FBI](#)," *Fox News* (May 9, 2024); J. Taer and J. Fitz-Gibbon, "[Mexican drug cartels plan attacks on Border Patrol agents with kamikaze drones and other explosives to fight US crackdown](#)," *New York Post* (Feb. 3, 2025); A. Conklin, "[Billion-dollar Mexican cartel ops disrupted by Trump's border crackdown as US issues do-not-travel warning](#)," *Fox News* (Jan. 30, 2025).

<sup>24</sup> E. Davis, "[How Many Illegal Crossings Have There Been at the U.S.-Mexico Border?](#)" *U.S. News* (May 12, 2025).

number of nationwide encounters in AMERICAN HISTORY.”<sup>25</sup> Yet, according to DHS reports, “apprehensions along the southwest border dropped to 6,070 in June.” *Id.*

As a result, America is regaining control of its southern border: “[W]e are now seeing operational control becoming a reality,” said Pete Flores, acting commissioner of Customs and Border Protection.<sup>26</sup>

The crisis faced by President Trump was exactly why Congress granted the President supplemental powers over immigration.

## CONCLUSION

The district court erred both in finding the President’s Proclamation to be in violation of the INA, and in certifying a global class of plaintiffs. This Court should decertify the proposed class, and terminate the district court’s injunction as well as its vacatur of the Guidance implementing the Proclamation.

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<sup>25</sup> “[June Border Crossings Hit Historic Low Under Trump Administration, DHS Says](#),” *YourNews.com* (July 2, 2025).

<sup>26</sup> U.S. Customs and Border Protection, “[CBP Releases April 2025 Monthly Update](#)” (May 12, 2025).

Respectfully submitted,

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# APPENDIX

**FEDERAL COURT INJUNCTIONS AGAINST  
THE TRUMP ADMINISTRATION**

(January 20, 2025 through August 27, 2025)

**BIRTHRIGHT CITIZENSHIP**

1. [\*New Hampshire Indonesian Community Support v. Trump\*, No. 1:25-cv-00038](#) — Judge Joseph N. Laplante (G.W. Bush) of the District of New Hampshire enjoined any enforcement of Trump’s birthright citizenship EO within the state. The case was appealed to the [First Circuit](#) on April 11, where it is pending.
2. [\*Washington v. Trump\*, No. 2:25-cv-00127](#) — Judge John C. Coughenour (Reagan) of the Western District of Washington enjoined any enforcement of Trump’s birthright citizenship EO nationwide. The case was appealed to the [Ninth Circuit](#) and the [Supreme Court](#), which [overturned the universal injunctions](#) on June 27, 2025.
3. [\*New Jersey v. Trump; Doe v. Trump\*, No. 1:25-cv-10139](#) — Judge Leo T. Sorokin (Obama) of the District of Massachusetts enjoined any enforcement of Trump’s birthright citizenship EO within the state. The case was appealed to the [First Circuit](#) and the [Supreme Court](#), which [overturned the universal injunctions](#) on June 27, 2025.
4. [\*CASA Inc. v. Trump\*, No. 8:25-cv-00201](#) — Judge Deborah L. Boardman (Biden) of the District of Maryland enjoined any enforcement of Trump’s birthright citizenship EO nationwide. The case was appealed to the [Fourth Circuit](#) and the [Supreme Court](#), which [overturned the universal injunctions](#) on June 27, 2025. On August 7, 2025, Judge Boardman certified a [class and granted a preliminary injunction](#).
5. [\*Barbara v. Trump\*, No. 1:25-cv-00244](#) — Judge Joseph N. Laplante (G.W. Bush) of the District of New Hampshire on July 10, 2025 certified a [class and issued a preliminary injunction](#) prohibiting defendants from implementing the Executive Order “Protecting the Meaning and Value of American Citizenship.”

## IMMIGRATION

6. [\*J.G.G. v. Trump\*, No. 1:25-cv-00766](#) — Judge James E. Boasberg (Obama) of the District of D.C. ordered flights of gang members and terrorists rerouted back to the United States, and then ordered that Trump cannot deport anyone under the Alien Enemies Act (“AEA”) without a hearing. This was upheld by D.C. Circuit, then on April 7, on [Application for Stay](#), the Supreme Court [vacated the district court’s](#) TROs. Judge Boasberg on April 16 [threatened the Trump administration](#) with criminal contempt charges, but on April 18 the DC Circuit issued an [administrative stay](#) in the appeal from Judge Boasberg’s Apr. 16 contempt-related order. Plaintiffs filed an [April 24 amended complaint](#) including a habeas petition for a class of individuals and an April 25 [motion for a permanent injunction](#). Judge Boasberg granted [class certification and preliminary injunction](#) on June 4. The Administration on June 10 filed for a stay pending appeal [at the District Court \(denied June 12\)](#) and on June 10, the DC Circuit [stayed the June 4 order](#) then [dissolved the June 4 order and remanded](#) to D.DC on August 8, 2025.

7. [\*Chung v. Trump\*, No. 1:25-cv-02412](#) — Judge Naomi R. Buchwald (Clinton) of the Southern District of New York issued a [temporary restraining order](#) on March 24, and a [preliminary injunction](#) June 5, preventing Trump from deporting a Columbia University student for pro-Hamas activism.

8. [\*Phila. Yearly Meeting of The Religious Soc’y of Friends v. U.S. Dep’t of Homeland Sec.\*, No. 8:2025-cv-00243](#) — Judge Theodore D. Chuang (Obama) of the District of Maryland on Feb. 24 issued a [preliminary injunction](#) blocking ICE raids in houses of worship. The case has been appealed to the [Fourth Circuit](#).

9. [\*M.K. v. Joyce\*, No. 1:25-cv-01935](#) — Judge Jesse M. Furman (Obama) of the Southern District of New York issued a temporary restraining order forbidding the removal by ICE detention and deportation of Palestinian activist Mahmoud Khalil, a green card holder, and recent graduate of Columbia University, who organized pro-Palestinian demonstrations. This case was transferred on March 19 as [\*Khalil v. Joyce\*, 2:25-cv-01963](#) — Judge Michael E. Farbiarz (Biden) of the District of New Jersey ordered on that same day that “Petitioner shall not be removed from the United States unless and until the Court issues a contrary Order.” Judge Farbiarz granted [habeas and a preliminary injunction](#) on June 11, but on June 13 allowed the government to [continue detention on another charge](#).

### App.3

10. [\*Parra v. Castro\*, No. 1:24-cv-00912](#) — Judge Kenneth J. Gonzales (Obama) of the District of New Mexico issued a [temporary restraining order](#) on February 9 blocking the transfer of three Venezuelans to Gitmo. They were then removed to their home country instead and voluntarily dismissed their case.

11. [\*Vizguerra-Ramirez v. Choate\*, No. 1:25-cv-00881](#) — Judge Nina Y. Wang (Biden) of the District of Colorado enjoined the ICE deportation of a Mexican citizen.

12. [\*National TPS Alliance v. Noem\*, No. 3:25-cv-01766](#) — Judge Edward M. Chen (Obama) of the Northern District of California enjoined ending Temporary Protected Status (“TPS”) for 350,000 to 600,000 Venezuelans. After the [Ninth Circuit](#) on April 18 [denied a stay](#) pending appeal, the [Supreme Court](#) on [May 19](#) [stayed the district court](#) decision.

13. [\*Pacito v. Trump\*, No. 2:25-cv-00255](#) — Judge Jamal N. Whitehead (Biden) of the Western District of Washington granted a nationwide preliminary injunction on February 28 blocking President Trump’s Executive Order indefinitely halting entry through the U.S. Refugee Admissions Program (USRAP). On appeal, the [Ninth Circuit](#) on March 25 [partially granted](#) the Trump administration’s emergency motion to stay, and filed an [order clarifying their stay](#) on April 21.

14. [\*City and County of San Francisco v. Donald J. Trump\*, No. 3:25-cv-01350](#) — Judge William H. Orrick III (Obama) of the Northern District of California granted a [preliminary injunction](#) April 24 enjoining President Trump’s efforts to have the Department of Justice investigate and prosecute “sanctuary cities” policies and government officials interfering with immigration enforcement. At the plaintiffs’ request, on May 9, Judge Orrick issued a “[clarifying” of the injunction](#).”

15. [\*D.V.D. v. U.S. Department of Homeland Security\*, No. 1:25-cv-10676](#) — Judge Brian E. Murphy (Biden) of the District of Massachusetts on March 28 issued a [temporary restraining order](#) enjoining the Trump administration over the recent policy of deporting non-citizens with final removal orders to a third country, specifically El Salvador, without first providing an opportunity to contest removal. [First Circuit](#) denied stay pending appeal April 7. Judge Murphy granted class certification and issued a [preliminary injunction](#) April 18, and further orders on [May 20](#), [May 21](#), and [May 23](#). An [Application for Stay](#) at SCOTUS was filed May

27, and [a stay of the April 18 injunction](#) was issued on June 23. Following the SCOTUS stay, in response to Plaintiffs' motions, Judge Murphy [issued an order](#) that "The Court's May 21, 2025 Order on Remedy ... remains in full force and effect, notwithstanding today's stay of the Preliminary Injunction...." The Trump Administration filed a [Motion for An Order](#) clarifying the June 23 SCOTUS order, and requesting immediate administrative stay of Judge Murphy's May 21 order, and SCOTUS [did so on July 3, 2025](#).

16. [Community Legal Services in East Palo Alto v. U.S. Dep't of HHS, No. 3:25-cv-02847](#) — Judge Araceli Martinez-Olguin (Biden) of the Northern District of California issued a [temporary restraining order](#) on April 1 blocking Defendants from terminating funding for Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR) funding for legal representation services for unaccompanied immigrant children through April 16, then on April 10 [extended the TRO](#) through April 30. Defendants' appeal of the TRO to the Ninth Circuit [was denied](#), as was a petition for [rehearing en banc](#). On April 29, the District Court granted a [preliminary injunction](#) blocking Defendants from withdrawing the services or funds provided by ORR until a final judgment in the matter is issued. Defendants appealed the PI to the [Ninth Circuit](#) on April 30, stay pending appeal denied [May 14](#), order updated [May 20](#); and [Trump administration opening brief](#) was filed June 12.

17. [J.A.V. v. Trump, No. 1:25-cv-00072](#) — Judge Fernando Rodriguez (Trump) of the Southern District of Texas on April 9 [temporarily enjoined](#) the Trump administration from deporting Venezuelans outside of the district under the Alien Enemies Act. On May 1, Judge Rodriguez certified a class and granted a [permanent injunction](#).

18. [G.F.F. v. Trump, No. 1:25-cv-02886](#) — Judge Alvin Hellerstein (Clinton) of the Southern District of New York granted a [temporary restraining order](#) on April 9 on behalf of a class of all persons in the district subject to deportation under the Alien Enemies Act. A [Preliminary Injunction](#) was granted May 6.

19. [Doe v. Noem, No. 1:25-cv-10495](#) — Judge Indira Talwani (Obama) of the District of Massachusetts, on April 14, granted a [motion to stay](#) the Department of Homeland Security's blanket revocation of Cuba, Haiti, Nicaragua, and Venezuela parole programs (the "CHNV parole programs") and ordering case-by-case review

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of any termination of work authorization permits to remain in the United States. After the First Circuit on May 5 [denied a stay](#), the Supreme Court on [May 30 stayed the district court decision](#). Oral argument at the First Circuit took place [on July 29](#).

20. [Viloria Aviles v. Trump, No. 2:25-cv-00611](#) — Judge Gloria Maria Navarro (Obama) of the District of Nevada issued a [preliminary injunction](#) on April 17 prohibiting the government from removing the Petitioner from the United States under the Alien Enemies Act until after his merits hearing.

21. [D.B.U. v. Trump, No. 1:25-cv-01163](#) — Judge Charlotte Sweeney (Biden) of the District of Colorado issued a [temporary restraining order](#) on April 22 forbidding the administration from removing Venezuelan illegal aliens from Colorado for deportation under the Aliens Enemies Act. A motion for a preliminary injunction is pending. On [appeal to the Tenth Circuit](#), a panel on [April 29 denied an emergency motion](#) for stay.

22. [A.S.R. v. Trump, No. 3:25-cv-00113](#) — Judge Stephanie Haines (Trump) of the Western District of Pennsylvania granted a [temporary restraining order on April 25](#) on behalf of a class of all persons in the district subject to deportation under the Alien Enemies Act that they must be given 14 days' notice and hearing before any removal from the district, pursuant to the Supreme Court's decision in *J.G.G. v. Trump*.

23. [Mahdawi v. Trump, No. 2:25-cv-00389](#) — Judge Geoffrey W. Crawford (Obama) of the District of Vermont extended a [temporary restraining order](#) on April 24 “for a period of 90 days or until dismissal of this case or grant of a preliminary injunction, whichever is earliest ... no respondent... shall remove [Mohsen Mahdawi, a Palestinian] from Vermont without further order from this court.”

24. [Yostin Sleiker Gutierrez-Contreras v. Warden Desert View Annex, No. 5:25-cv-00911](#) — Judge Sunshine S. Sykes (Biden) of the Central District of California, issued a [temporary restraining order](#) on April 16 preventing the government from removing a Venezuelan at risk of being deported to El Salvador under the Alien Enemies Act. On April 28, the TRO was dissolved since the Plaintiff was in Texas when the petition was filed.

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25. [\*President and Fellows of Harvard v. Department of Homeland Security\*, No. 1:25-cv-11472](#) — Judge Allison D. Burroughs (Obama) of the District of Massachusetts issued a [temporary restraining order](#) on May 23, blocking the administration from revoking Harvard’s ability to enroll international students under the Student and Exchange Visitor Program (SEVP). After President Trump issued a new proclamation on June 4, Judge Burroughs issued another [temporary restraining order](#) on June 5, and a [preliminary injunction](#) June 20.
26. [\*Arevalo Millan v. Trump\*, No. 5:25-cv-01207](#) — Judge John W. Holcomb (Trump) of the Central District of California on May 19 certified a class of noncitizens in the district subject to the Alien Enemies Act (“AEA”) and granted a [temporary restraining order](#). On June 2, Judge Holcomb issued a [preliminary injunction](#) against deporting members of the class under authority of AEA.
27. [\*Y.A.P.A. v. Trump\*, No. 4:25-cv-00144](#) — Judge Clay D. Land (G.W. Bush) of the Middle District of Georgia on May 21 granted a [temporary restraining order](#) blocking deportation of a Venezuelan man, at risk of deportation to El Salvador, under the Alien Enemies Act. The court did not block deportation under INA.
28. [\*Angelica S. v. HHS\*, No. 1:25-cv-01405](#) — Judge Dabney L. Friedrich (Trump) of the District of D.C. on June 9 certified a class and granted a [preliminary injunction](#) blocking parts of HHS reforms to the Unaccompanied Alien Children (UAC) program, which resettles migrant children in U.S. with adult sponsors after they arrive at the U.S.-Mexico border without parents or guardians.
29. [\*Refugee and Immigrant Center for Education and Legal Services v. Noem\*, No. 1:25-cv-00306](#) — Judge Randolph D. Moss (Obama) of the District of D.C. on July 2 [granted summary judgment](#) and certified a class preventing the Trump Administration from enforcing Proclamation 10888, which disallows immigrants from remaining in the U.S. while pursuing asylum claims. On July 3, the Trump Administration appealed to the DC Circuit Court of Appeals, which on July 11 granted an [administrative stay](#) of the district court’s orders as to all but the named plaintiffs.
30. [\*National TPS Alliance v. Noem\*, No. 3:25-cv-05687](#) — Judge Trina L. Thompson (Biden) of the Northern District of California on July 31 granted a

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“[motion to postpone](#),” blocking the Nepal, Honduras, and Nicaragua TPS terminations, which impact about 60,000 immigrants, until November 18, 2025.

31. [Perdomo v. Noem, No. 2:25-cv-05605](#) — Judge Maame Ewusi-Mensah Frimpong on July 11 issued a [temporary restraining order](#) enjoining immigration officers in the Los Angeles area from certain actions, a July 30 [order to release](#) a detainee. A July 16 [appeal to the Ninth Circuit](#) is ongoing, and the Circuit granted a [partial stay of the TRO](#) on August 14. A [application for a stay](#) was filed at the U.S. Supreme Court on August 7.

\*NOTE: [According to Politico](#), there have been over 100 lawsuits and 50 restraining orders related to the F-1 visas and the Student and Exchange Visitor Information System (SEVIS) in 23 states. The Trump Administration is working to resolve this situation, so these cases are not included here.

## TRANSGENDER

32. [Talbot v. Trump, No. 1:25-cv-00240](#) — Judge Ana C. Reyes (Biden) of the District of D.C., a lesbian, issued a [preliminary injunction](#) on March 18 enjoining Trump’s rule preventing “transgender” persons from serving in the military. On appeal to the D.C. Circuit, an [administrative stay](#) was issued March 27, a hearing on a stay pending appeal was held on April 22, and merits briefing is pending.

33. [PFLAG v. Trump, No. 8:25-cv-00337](#) — Judge Brendan A. Hurson (Biden) of the District of Maryland granted an injunction against Trump’s order denying federal funding to institutions performing chemical or surgical “transgender” mutilation on minors.

34. [Washington v. Trump, No. 2:25-cv-00244](#) — Judge Lauren J. King (Biden) of the Western District of Washington enjoined Trump’s order denying federal funding to institutions performing chemical or surgical “transgender” mutilation on minors. The case is on appeal to the Ninth Circuit.

35. [Ireland v. Hegseth, No. 1:25-cv-01918](#) — Judge Christine P. O’Hearn (Biden) of the District of New Jersey enjoined the Air Force from removing two

“transgender” service members pursuant to Trump’s order banning “transgender” service members.

36. [\*Doe v. McHenry; Doe v. Bondi\*, No. 1:25-cv-00286](#) — Judge Royce C. Lamberth (Reagan) of the District of D.C. on February 4 issued a [temporary restraining order](#) blocking the transfer of “transgender women” to men’s prisons under Trump’s order, and terminating their taxpayer-funded hormone treatments. On February 18, Judge Lamberth granted a [preliminary injunction](#). On March 19, [two plaintiffs were added](#) to the injunction, and the injunction was [extended on May 15](#). This case has been [appealed to the D.C. Circuit](#), where argument is scheduled for September 5, 2025.

37. [\*Moe v. Trump\*, No. 1:25-cv-10195](#) — Senior Judge George A. O’Toole Jr. (Clinton) of the District of Massachusetts enjoined the transfer of a “transgender woman” to a men’s prison under Trump’s order. This case has been transferred to another, unidentified, district.

38. [\*Jones v. Trump\*, No. 1:25-cv-401](#) — Judge Royce C. Lamberth (Reagan) of the District of D.C. enjoined the transfer of three “transgender women” to men’s prisons and termination of their taxpayer-funded hormone treatments under Trump’s order.

39. [\*Shilling v. Trump\*, No. 2:25-cv-00241](#) — Judge Benjamin H. Settle (G.W. Bush) of the Western District of Washington enjoined Trump’s order to remove “transgender” service members. The Ninth Circuit denied a request for a stay of the injunction; an Application for Stay was filed at the Supreme Court ([24A1030](#)) April 24, and the [stay was granted](#) May 6.

40. [\*Maine v. Department of Agriculture\*, No. 1:25-cv-00131](#) — Judge John Woodcock (G.W. Bush) of the District of Maine granted a [temporary restraining order](#) on April 11 on behalf of Maine, in its lawsuit against Trump’s federal education funding freeze to Maine for its refusal to ban boys from girls’ teams.

41. [\*Orr v. Trump\*, No. 1:25-cv-10313](#) — Judge Julia E. Kobick (Biden) of the District of Massachusetts issued a [preliminary injunction](#) on April 18 against enforcing the biological sex at birth designation on passports against Plaintiffs. On

June 17, Judge Kobick [certified classes and applied](#) the prior injunction to the classes. The Trump administration appealed the case to the [First Circuit](#).

## GOVERNMENT OPERATIONS

42. [Dellinger v. Bessent, No. 1:25-cv-00385](#) — Judge Amy B. Jackson (Obama) of the District of D.C. issued a restraining order invalidating Trump’s firing of U.S. special counsel Hampton Dellinger. The order was upheld by the D.C. Circuit Court of Appeals and the Supreme Court, then was temporarily lifted by the Court of Appeals on March 5; on March 6, Dellinger announced that he was dropping his case.

43. [American Federation of Government Employees, AFL-CIO v. U.S. Office of Personnel Management, No. 3:25-cv-01780](#) — Judge William H. Alsup (Clinton) of the Northern District of California enjoined Trump’s order for six federal agencies to dismiss thousands of probationary employees. The injunction was upheld by the [Ninth Circuit](#), but the Supreme Court on April 8 issued a [stay based on standing](#).

44. [Wilcox v. Trump, No. 1:25-cv-00334](#) — Judge Beryl A. Howell (Obama) of the District of D.C. enjoined Trump’s firing of National Labor Relations Board member Gwynne Wilcox, a Democrat, and ordered her reinstated to finish her term. The [D.C. Circuit](#) stayed the injunction, then reinstated it, and an [application for a stay](#) at the Supreme Court was [granted by Chief Justice Roberts](#) on April 9, and by the [Supreme Court on May 22](#).

45. [Harris v. Bessent, No. 1:25-cv-00412](#) — Judge Rudolph Contreras (Obama) of the District of D.C. enjoined Trump’s firing of Merit Systems Protection Board member Cathy Harris and ordered her reinstated. The [D.C. Circuit](#) stayed the injunction, then reinstated it, an [application for a stay](#) at the Supreme Court was [granted by Chief Justice Roberts](#) on April 9, and by the [Supreme Court on May 22](#).

46. [American Foreign Service Association v. Trump, No. 1:25-cv-00352](#) — Judge Carl J. Nichols (Trump) of the District of D.C. on February 7, 2025 issued a [temporary restraining order](#) against Trump’s firing of USAID employees. Judge Nichols [vacated the TRO and denied a preliminary injunction](#) against the firings

on February 21, 2025, then [granted the Government's motion to dismiss](#) on July 25, 2025.

47. [\*Does 1-9 v. Department of Justice\*, No. 1:25-cv-00325](#) — Judge Jia M. Cobb (Biden) of the District of D.C. enjoined Trump from releasing the names of any FBI agents who worked on the January 6 investigation.

48. [\*Doctors for America v. U.S. Office of Personnel Management\*, No. 1:25-cv-00322](#) — Judge John D. Bates (G.W. Bush) of the District of D.C. issued a [temporary restraining order](#) that CDC and FDA webpages that “inculcate or promote gender ideology” be restored after Trump ordered them removed. On July 2, 2025, Judge Bates granted [summary judgment](#) to “vacate the OPM Memo and the HHS Guidance, and order the restoration of some webpages and datasets.”

49. [\*Perkins Coie v. DOJ\*, No. 1:25-cv-00716](#) — Judge Beryl A. Howell (Obama) of the District of D.C. on March 12 issued a [temporary restraining order](#) enjoining Trump’s directive barring government agencies doing business with Perkins Coie and banning PC attorneys from federal buildings. Judge Howell ordered summary judgment for the plaintiffs on May 2, and the Trump administration [appealed to the DC Circuit](#) on July 2, 2025.

50. [\*Jenner Block v. DOJ\*, No. 1:25-cv-00916](#) — Judge John D. Bates (G.W. Bush) of the District of D.C. on March 28 granted a [temporary restraining order](#) against Trump’s directive barring government agencies from doing business with Jenner Block and banning that firm’s attorneys from federal buildings. Judge Bates granted Jenner’s motions for summary judgment and [permanent injunction on May 23](#), and the Trump administration appealed to [the DC Circuit](#).

51. [\*Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President\*, No. 1:25-cv-00917](#) — Judge Richard J. Leon (G.W. Bush) of the District of D.C. enjoined Trump’s directive barring government agencies from doing business with Wilmer and banning that firm’s attorneys from federal buildings.

52. [\*Susman Godfrey LLP v. Executive Office of the President\*, No. 1:25-cv-01107](#) — Judge Loren L. AliKhan (Biden) of the District of D.C. on [April 15 enjoined](#) Trump’s directive barring government agencies from doing business with Susman

Godfrey and banning that firm's attorneys from federal buildings. The administration [appealed to the DC Circuit](#) on August 26.

53. [\*American Federation of Government Employees, AFL-CIO v. Ezell\*, No. 1:25-cv-10276](#) — Senior Judge George A. O'Toole Jr. (Clinton) of the District of Massachusetts issued a temporary restraining order against Trump's buyout of federal employees. The judge later lifted the TRO and denied an injunction, allowing the buyout to go forward.

54. [\*Maryland v. US Dept. of Agriculture\*, No. 1:25-cv-00748](#) — James K. Bredar (Obama) of the District of Maryland issued a TRO ordering 38 agencies to stop firing employees and reinstate fired employees. On April 9, the Fourth Circuit [stayed the district court injunction](#), noting the [Supreme Court's stay](#) in [\*AFGE, AFL-CIO v. OPM and Ezell\*](#)).

55. [\*Does 1-26 v. Musk\*, No. 8:25-cv-00462](#) — Judge Theodore D. Chuang (Obama) of the District of Maryland ordered DOGE to reinstate email access for fired USAID employees.

56. [\*American Federation of Teachers v. Bessent\*, No. 8:25-cv-00430](#) — Judge Deborah L. Boardman (Biden) of the District of Maryland enjoined DOE and Office of Personnel Management from disclosing personal information of employees to DOGE. On April 7, the Fourth Circuit [granted a stay](#) to the Defendants pending appeal, and on August 12, 2025 [vacated the](#) District Court injunction and remanded the case.

57. [\*American Federation of State, County and Municipal Employees, AFL-CIO v. Social Security Administration\*, No. 1:25-cv-00596](#) — Judge Ellen L. Hollander (Obama) of the District of Maryland granted an injunction forbidding the Social Security Administration from providing personal information to DOGE. The [Fourth Circuit](#) dismissed an appeal for [lack jurisdiction](#). On May 2, the Trump administration filed an [Application for a Stay](#) at the Supreme Court, which was [granted on June 6](#).

58. [\*Brehm v. Marocco\*, No. 1:25-cv-00660](#) — Judge Richard J. Leon (G.W. Bush) of the District of D.C. issued a temporary restraining order forbidding Trump from

removing Brehm from, and appointing Marocco to, the U.S. African Development Foundation.

59. [\*American Oversight v. Hegseth\*, No. 1:25-cv-00883](#) — Judge James E. Boasberg (Obama) of the District of D.C. issued an order “as agreed by the parties,” for the government to preserve all Signal communications related to the leak to an *Atlantic* editor of DoD conversations in Houthi strike.
60. [\*National Treasury Employees Union v. Trump\*, No. 1:25-cv-00935](#) — Judge Paul L. Friedman (Clinton) of the District of D.C., on April 25, [enjoined agencies](#) from implementing Trump’s executive order limiting collective bargaining rights for many federal employees, but specifically did not enjoin President Trump. The DC Circuit granted a [stay pending appeal](#) on May 16, and [denied reconsideration](#) en banc on July 16, 2025.
61. [\*Woonasquatucket River Watershed Council v. Department of Agriculture\*, No. 1:25-cv-00097](#) — Judge Mary McElroy (Trump) of the District of Rhode Island issued a [preliminary injunction](#) against Trump’s federal funding freeze for various departments including the EPA. The Trump administration [appealed to the First Circuit](#) on May 1.
62. [\*Associated Press v. Budowich\*, No. 1:25-cv-00532](#) — Judge Trevor McFadden (Trump) of the District of D.C. on [April 8 enjoined](#) the White House from keeping AP reporters out of the White House press briefings until it agrees to refer to the “Gulf of America.”
63. [\*Novedades Y Servicios, Inc. v. FinCEN\*, 3:25-cv-00886](#) — Judge Janis L. Sammartino (G.W. Bush) of the Southern District of California granted a [temporary restraining order](#) on April 22 against Department of Treasury FinCEN’s Geographic Targeting Order which requires businesses along the southern border to file Currency Transaction Reports with FinCEN at a \$200 threshold.
64. [\*New York, et al. v. Donald J. Trump\*, No. 1:25-cv-01144](#) — Judge Jeannette A. Vargas (Biden) of the Southern District of New York issued a [preliminary injunction](#) on February 21 blocking DOGE’s access to certain Treasury Department payment records. Then on April 11, Judge Vargas [partially dissolved](#)

[her preliminary injunction](#) since “based on existing record” mitigation, training and vetting procedures were adequate to satisfy her concerns.

65. [American Federation Of Government Employees, AFL-CIO v. Trump, No. 3:25-cv-03698](#) — Judge Susan Y. Illston (Clinton) of the Northern District of California granted a [temporary restraining order](#) on May 9 to pause the Defendants’ reductions in force under EO 14210, which Defendants appealed to the [Ninth Circuit](#). Judge Illston issued a [preliminary injunction](#) on May 22, and on June 13 clarified that the [State Department is included](#) in the PI. The PI was appealed to the [Ninth Circuit](#), which on May 30 denied the Defendants’ emergency motion for a stay pending appeal. The Trump administration filed an [application for a stay](#) at the US Supreme Court on June 2, which was granted on July 8.

66. [National Job Corps Association v. Department of Labor, No. 1:25-cv-04641](#) — Judge Andrew L. Carter Jr. (Obama) of the Southern District of New York issued a [temporary restraining order](#) on June 4, the day after National Job Corps Association sued the Department of Labor over the Trump administration’s termination of contracts for operation of Job Corps centers.

67. [Maryland v. Corporation for National and Community Service, No. 1:25-cv-01363](#) — Judge Deborah L. Boardman (Biden) of the District of Maryland issued a preliminary injunction on June 5, blocking the administration’s reduction in force (RIF) and cancellation of programs at AmeriCorps.

68. [American Federation of Government Employees v. Noem, No. 2:25-cv-00451](#) — Judge Marsha J. Pechman (Clinton) of the Western District of Washington granted a [preliminary injunction](#) on June 2, blocking the Transportation Security Administration’s cancellation of their collective bargaining agreement.

69. [Learning Resources Inc. v. Trump, No. 1:25-cv-01248](#) — Judge Rudolph Contreras (Obama) of the District of D.C. on May 29 granted a [preliminary injunction](#) blocking President Trump’s global tariffs under the International Emergency Economic Powers Act and denying the [government’s motion](#) to transfer the case to the U.S. Court of International Trade. The administration has [appealed to the DC Circuit](#), and Judge Contreras on June 3 [stayed his own injunction](#) after Court of Appeals for the Federal Circuit action in a related case. Plaintiffs filed a [petition for a writ of certiorari](#) before judgment on July 17.

70. [\*Newsom v. Trump\*, No. 3:25-cv-04870](#) — Senior District Judge Charles R. Breyer (Clinton) of the Northern District of California on June 12 issued a [temporary restraining order](#) enjoining Defendants “from deploying members of the California National Guard in Los Angeles” and directing Defendants “to return control of the California National Guard to Governor Newsom.” The Trump administration immediately appealed on June 12 to the [Ninth Circuit](#), and a panel granted an [administrative stay](#) the same day, and on June 19 granted a [stay pending appeal](#).

71. [\*AFGE, AFL-CIO v. U.S. OPM\*, No. 1:25-cv-01237](#) — Judge Denise L. Cote (Clinton) of the Southern District of New York issued an [opinion granting a preliminary injunction](#) on June 9, 2025, [finalized and issued](#) on June 20, 2025 prohibiting the Office of Personnel Management from continuing to share federal employee records with individuals tied to the Department of Government Efficiency (DOGE).

72. [\*Slaughter and Bedoya v. Trump\*, No. 1:25-cv-00909](#) — Judge Loren L. AliKhan (Biden) of the District of D.C. on July 17, 2025 [granted summary judgment](#) restoring Plaintiff Rebecca Slaughter to the FTC. The Trump administration has appealed to [the DC Circuit](#), which issued an [administrative stay](#) on July 21.

73. [\*Harper v. Bessent\*, No. 1:25-cv-01294](#) — Judge Amir H. Ali (Biden) of the District of D.C. on July 22, 2025 issued [summary judgment](#) reinstating two board members of National Credit Union Administration (NCUA) fired by President Trump, even though the underlying statute provides no for-cause protection for the board members. DOJ appealed to the D.C. Circuit, which on July 25 granted an [administrative stay](#) of Judge Ali’s order.

74. [\*Boyle v. Trump\*, No. 8:25-cv-01628](#) — Judge Matthew J. Maddox (Biden) of the District of Maryland on June 13, 2025 issued [summary judgment](#) restoring to their positions three U.S. Consumer Product Safety Commission (CPSC) Commissioners fired by President Trump. On appeal, the [Fourth Circuit](#) on July 1, 2025 [denied the motion](#) for an administrative stay and a stay pending appeal, then on July 29 [expedited](#) the briefing schedule after the [Supreme Court](#) on July 23, 2025 stayed the district court’s injunction.

75. [\*Aviel v. Gor\*, No. 1:25-cv-00778](#) — Judge Loren L. AliKhan (Biden) of the District of D.C. on April 4, 2024 granted a [preliminary injunction](#) stopping the removal of Aviel from her position as president and CEO of IAF, and enjoining Peter Marocco from serving as an acting Board member until Senate confirmation. The DC Circuit [denied a stay](#) pending appeal on June 5. On August 14, Judge AliKhan granted Plaintiff's motion for [summary judgment](#).

76. [\*Federal Education Association v. Trump\*, No. 1:25-cv-01362](#) — Judge Paul L. Friedman (Clinton) of the District of D.C. on August 14, 2025 granted a [preliminary injunction](#) to labor organizations representing educators who work at schools operated by the Department of Defense, blocking the Trump administration's executive order which removed collective bargaining where it impacts national security.

77. [\*American Foreign Service Association v. Trump\*, No. 1:25-cv-01030](#) — Judge Paul L. Friedman (Clinton) of the District of D.C. on May 14, 2025 granted a [preliminary injunction](#) blocking the Trump Administration's removal of collective bargaining at the U.S. State Department and USAID. The DC Circuit on June 20, 2025 granted a [stay pending appeal](#) and on [July 30 denied](#) the plaintiff's petition for rehearing en banc.

78. [\*Commonwealth of Pennsylvania v. Trump\*, No. 2:17-cv-04540](#) — Judge Wendy Beetlestone (Obama) of the Eastern District of Pennsylvania on issued a [55-page nationwide injunction](#) that “the religious exemption rule and the moral exemption rule are vacated,” even though the Supreme Court had on July 8, 2020 upheld the rules in a 7–2 decision. The Little Sisters of the Poor [appealed to the Third Circuit](#), and the Trump administration also filed a [notice of appeal](#) August 26, 2025.

79. [\*Protect Democracy Project v. OMB\*, No. 1:25-cv-01111](#) — Judge Emmet G. Sullivan (Clinton) of the District of D.C. on July 21 granted [partial summary judgment](#), ordering the Office of Management and Budget to reinstate the Public Apportionments Database, and [final judgment](#) on July 28. The Trump administration appealed to the DC Circuit, which on July 23 issued an [administrative stay](#) of the July 21 order, then on August 9 [dissolved the stay](#), effective August 21, and further briefing is ongoing.

## FUNDING

80. [\*National Treasury Employees Union v. Vought\*, No. 1:25-cv-00381](#) — Judge Amy B. Jackson (Obama) of the District of D.C. halted Trump’s budget cuts and layoffs at the Consumer Financial Protection Bureau. On March 31, the [government appealed](#) Judge Jackson’s preliminary injunction order to the D.C. Circuit; which on April 11 ordered a [partial stay](#) of the preliminary injunction, and on August 15 [vacated the PI and remanded](#) to D. DC.

81. [\*AIDS Vaccine Advocacy Coalition v. Department of State\*, No. 1:25-cv-00400](#) — Judge Amir H. Ali (Biden) of the District of D.C. ordered Trump to unfreeze and spend \$2 billion in USAID funds. The Supreme Court, in a 5-4 ruling with Justices Alito, Thomas, Kavanaugh, and Gorsuch dissenting, left the [order in place](#). On Apr. 2, [defendants appealed](#) Judge Ali’s March 10 preliminary injunction order to the D.C. Circuit, where oral argument was held on July 7.

82. [\*Colorado v. US Dept. of Health and Human Services\*, No. 1:25-cv-00121](#) — Judge Mary S. McElroy (Trump) of the District of Rhode Island, on April 5 issued a [temporary restraining order](#) reinstating payments to a coalition of states which sued the Trump administration over the cancellation of \$11 billion in public health funding.

83. [\*National Council of Nonprofits v. OMB\*, No. 1:25-cv-00239](#) — Judge Loren L. AliKhan (Biden) of the District of D.C. blocked Trump’s order to pause federal aid while reviewing to determine if it aligned with administration policy. The Government’s [appealed to the D.C. Circuit](#) on April 25, and briefing is pending.

84. [\*Massachusetts v. NIH\*, No. 1:25-cv-10338](#) — Judge Angel Kelley (Biden) of the District of Massachusetts issued a [preliminary injunction](#) on March 5 prohibiting implementation of the NIH Guidance “in any form with respect to institutions nationwide,” and [final judgment and permanent injunction](#) on April 4. The case was [appealed to the First Circuit](#) on April 9.

85. [\*New York v. Trump\*, No. 1:25-cv-00039](#) — Judge John J. McConnell Jr. (Obama) of the District of Rhode Island issued a [temporary restraining order](#) on January 31 enjoining Trump’s order to freeze federal spending while reviewing to determine that it aligned with administration policy. The [First Circuit](#), on March

26, [denied defendants' motion for a stay](#) pending appeal of the district court's preliminary injunction order.

86. [RFE/RL, Inc. v. Lake, No. 1:25-cv-00799](#) — Judge Royce C. Lamberth (Reagan) of the District of D.C. granted a [temporary restraining order](#) March 25, forbidding Trump from cutting funds to Voice of America. The [TRO was extended](#) on April 8, another [TRO was granted](#) on April 29, [another TRO](#) on May 30, and [another TRO](#) on July 1. On July 18, Judge Lamberth granted a [preliminary injunction](#). On appeal to the [DC Circuit](#), an [administrative stay](#) was granted by a panel on May 1, but on May 7, the DC Circuit en banc overruled the panel, [restoring the district court's stay](#).

87. [Widakuswara v. Lake, No. 1:25-cv-01015](#) — Judge Royce C. Lamberth (Reagan) of the District of D.C. issued a [preliminary injunction on April 22](#) requiring the reinstatement of employment positions and funding for Voice of America and U.S. Agency for Global Media. The government on April 24 [appealed to the DC Circuit](#), which issued an [administrative stay](#) May 1, a [stay pending appeal](#) May 3, and consolidation with other cases on May 28. Oral argument is scheduled for September 22, 2025.

88. [Radio Free Asia v. United States of America, No. 1:25-cv-00907](#) — Judge Royce C. Lamberth (Reagan) of the District of D.C. issued a preliminary injunction requiring restoration of funding of Radio Free Asia and Middle East Broadcasting Networks on April 25. The government immediately filed an [appeal to the D.C. Circuit](#), which granted a [stay pending appeal](#) on May 3, which was administratively stayed by the circuit court en banc on May 7, and consolidation with other cases on May 28. Oral argument is scheduled for September 22, 2025.

89. [Massachusetts Fair Housing Ctr. v. HUD, No. 3:25-cv-30041](#) — Judge Richard G. Stearns (Clinton) of the District of Massachusetts enjoined Trump's cuts to HUD grant funding and ordered spending reinstated.

90. [Climate United Fund v. Citibank, N.A., No. 1:25-cv-00698](#) — Judge Tanya S. Chutkan (Obama) of the District of D.C. issued a temporary restraining order enjoining EPA's Termination of Greenhouse Gas Reduction Fund Grants.

91. [\*Association of American Medical Colleges v. NIH\*, No. 1:25-cv-10340](#) — Judge Angel Kelley (Biden) of the District of Massachusetts enjoined Trump’s NIH grant funding cuts. The case was [appealed to the First Circuit](#) (25-1344) on April 9.
92. [\*American Association of Colleges for Teacher Education v. McMahon\*, No. 1:25-cv-00702](#) — Judge Julie R. Rubin (Biden) of the District of Maryland issued an injunction requiring reinstatement of terminated education grant funds. [Defendants appealed](#) the preliminary injunction to the Fourth Circuit. On April 1, the Fourth Circuit denied Plaintiffs’ motion to place the [case in abeyance](#), on April 10, granted the defendants’ motion for [stay pending appeal](#).
93. [\*Mayor and City Council of Baltimore et al. v. Vought\*, No. 1:25-cv-00458](#) — Judge Matthew J. Maddox (Biden) of the District of Maryland on February 25 issued a [temporary restraining order](#) preventing Trump from defunding the CFPB. The TRO was extended on February 28, preliminary [injunction denied](#) March 14, and the case was [voluntarily dismissed](#) on June 12.
94. [\*Association of American Universities v. Department of Health and Human Services\*, No. 1:25-cv-10346](#) — Judge Angel Kelley (Biden) of the District of Massachusetts issued a nationwide injunction against Trump’s NIH funding cuts. [Defendants appealed](#) to the First Circuit on April 9.
95. [\*Association of American Universities v. Dept. of Energy\*, No. 1:25-cv-10912](#) — Judge Allison D. Burroughs (Obama) of the District of Massachusetts issued a [temporary restraining order](#) on April 16 against the cap instituted on reimbursements for indirect costs for federal research grants from the Department of Energy.
96. [\*American Library Association v. Sonderling\*, No. 1:25-cv-01050](#) — Judge Richard J. Leon (G.W. Bush) of the District of D.C. granted a [temporary restraining order](#) on May 1 against the executive order which requires spending reduction of the Institute for Museum and Library Services.
97. [\*Rhode Island v. Trump\*, No. 1:25-cv-00128](#) — Chief Judge John J. McConnell, Jr. (Obama) of the District of Rhode Island, granted a preliminary injunction on

May 6 to a coalition of states which sued over an Executive Order which requires 7 agencies to reduce their functions.

98. [\*State of New York v. U.S. Dep't of Education\*, No. 1:25-cv-02990](#) — Judge Edgardo Ramos (Obama) of the Southern District of New York granted a [preliminary injunction](#) June 3 that prohibits the U.S. Department of Education from cancelling over \$1 billion in unspent COVID-19 pandemic funding grants extended past the original deadline by the prior administration. On [appeal to the Second Circuit](#), a motions hearing was held on June 17.

99. [\*San Francisco U.S.D. v. AmeriCorps\*, No. 3:25-cv-02425](#) — Judge Edward M. Chen (Obama) of the Northern District of California granted a [temporary restraining order](#) on March 31 after San Francisco Unified School District sued over actions taken to fire employees and freeze grant funding at AmeriCorps.

100. [\*Citizens for Responsibility and Ethics in Washington v. U.S. DOGE Service\*, No. 1:25-cv-00511](#) — Judge Christopher R. Cooper (Obama) of the District of D.C. issued a [preliminary injunction](#) on March 10 in a lawsuit against DOGE and Elon Musk regarding compliance with FOIA and the Federal Records Act.

101. [\*American Public Health Association v. NIH\*, No. 1:25-cv-10787](#) and [\*Commonwealth of Massachusetts v. Kennedy, Jr.\* No. 1:25-cv-10814](#) — Judge William G. Young (Reagan) of the District of Massachusetts issued a ruling from the bench that the “challenged [NIH Grant] directives are vacated.” Appeals are pending at the First Circuit: [APHA v. NIH](#) and [Mass. v. Kennedy](#). The U.S. Supreme Court on August 21, 2025 granted a [partial stay](#) of the district court’s orders.

102. [\*Global Health Council V. Donald J. Trump\*, No. 1:25-cv-00402](#) — Judge Amir H. Ali (Biden) of the District of D.C. on March 10 issued a [preliminary injunction](#) ordering the Trump administration to make available billions of dollars appropriated in the 2024 Further Consolidated Appropriations Act, claiming the president cannot refuse to spend money already appropriated for foreign aid. The defendants have [appealed to the DC Circuit](#), where oral argument was heard July 7, 2025.

103. [\*Planned Parenthood Federation of America, Inc. v. Kennedy\*, No. 1:25-cv-11913](#) — Judge Indira Talwani (Obama) of the District of Massachusetts, on July 7, 2025, granted a [temporary restraining order](#) prohibiting the “enforcing, retroactively enforcing, or otherwise applying” of the Medicaid cuts in the so-called “Big Beautiful Bill” against Planned Parenthood. Judge Talwani issued a [preliminary injunction](#) on July 21, followed by a second [preliminary injunction](#) July 28. An [appeal to the First Circuit](#) was docketed on July 23.

104. [\*Mid-Atlantic Equity Consortium v. Department of Education\*, No. 1:25-cv-01407](#) — Judge Paul L. Friedman (Clinton) of the District of D.C., on July 30 issued a [preliminary injunction](#) blocking the Department of Education from terminating Equity Assistance Center grants to MAEC.

105. [\*Launch Alaska v. Department of Navy, Office of Naval Research\*, No. 3:25-cv-00141](#) — Senior Judge G. Murray Snow (G.W. Bush) of the District of Alaska on August 5 granted a preliminary injunction blocking the Trump administration’s termination of a federal grant which was a part of the ARCTIC program.

106. [\*Washington v. FEMA\*, No. 1:25-cv-12006](#) — Judge Richard G. Stearns (Clinton) of the District of Massachusetts on August 5, 2025 granted a [preliminary injunction](#) preventing funds allocated to the pre-disaster management program “Building Resilient Infrastructure and Communities” from being spent for other purposes.

107. [\*The Authors Guild v. National Endowment for the Humanities\*, No. 1:25-cv-03923](#) — Judge Colleen McMahon (Clinton) of the Southern District of New York on August 6, 2025 granted a [preliminary injunction](#) to a class of plaintiffs, blocking the Trump administration’s cancellation of National Endowment for Humanities grants.

108. [\*Oregon Council for the Humanities v. DOGE\*, No. 3:25-cv-00829](#) — Judge Michael H. Simon (Obama) of the District of Oregon on August 6, 2025 granted a [preliminary injunction](#) blocking the Trump administration’s cancellation of National Endowment for Humanities grants.

109. [\*National Endowment for Democracy v. U.S.A.\*, No. 1:25-cv-00648](#) — Judge Dabney L. Friedrich (Trump) of the District of D.C. on August 11, 2025 granted a preliminary injunction blocking the Trump administration’s impoundment of funds appropriated for NED.

110. [\*Urban Sustainability Directors Network v. U.S. Dept. of Agriculture\*, No. 1:25-cv-01775](#) — Judge Beryl A. Howell (Obama) of the District of D.C. on August 14, 2025 granted a [preliminary injunction](#) vacating the termination of federal grants by the U.S. Department of Agriculture.

## ELECTIONS

111. [\*League of United Latin American Citizens v. EOP\*, No. 1:25-cv-00946](#) — Judge Colleen Kollar-Kotelly (Clinton) of the District of D.C. granted a [universal injunction](#) on April 24 against Executive Order 14,248, requiring documentary proof of United States citizenship to vote in Federal elections. This case consolidates three suits brought by racial minority associations, the Democratic Party, campaigns, and elected officials.

112. [\*State of California v. Trump\*, No. 1:25-cv-10810](#) — Judge Denise J. Casper (Obama) of the District of Massachusetts granted a [preliminary injunction](#) on June 13 against the Trump administration’s efforts to prevent noncitizen voting, blocking implementation of five sections of Executive Order 14,248.

## DEI-RELATED PROGRAMS

113. [\*Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump\*, No. 1:25-cv-00333](#) — Judge Adam B. Abelson (Biden) of the District of Maryland enjoined Trump’s order blocking federal funding for DEI programs. On [March 14, the Fourth Circuit granted](#) the government’s motion for a stay of the preliminary injunction pending appeal.

114. [\*California v. Department of Education\*, No. 1:25-cv-10548](#) — Judge Myong J. Joun (Biden) of the District of Massachusetts granted a temporary restraining order blocking Trump’s withdrawal of funds to schools teaching DEI. The First Circuit [denied a motion](#) for stay pending appeal. On April 4, the [Supreme Court granted a stay](#) pending appeal, writing “the Government is likely to succeed in

showing the District Court lacked jurisdiction” and that the case may need to be brought in the Court of Federal Claims.

115. [\*Chicago Women in Trades v. Trump\*, No. 1:25-cv-02005](#) — Senior Judge Matthew F. Kennelly (Clinton) of the Northern District of Illinois entered a temporary restraining order commanding the reinstatement of DEI grants.

116. [\*Doe 1 v. Office of the Director of National Intelligence\*, No. 1:25-cv-00300](#) — Judge Anthony J. Trenga (G.W. Bush) of the Eastern District of Virginia issued an “administrative stay” against firing DEI employees with CIA and DNI. The court then considered and rejected imposing a TRO to the same effect. On March 31, Judge Trenga granted a [preliminary injunction](#) enjoining the defendants. On May 6, defendants filed [notice of appeal](#) to the Fourth Circuit.

117. [\*American Federation of Teachers v. U.S. Department of Education\*, No. 1:25-cv-00628](#) — Judge Stephanie A. Gallagher (Trump) of the District of Maryland on April 24 [stayed the implementation](#) of the U.S. Department of Education’s February 14, 2025 “Dear Colleague Letter” ending diversity, equity, and inclusion practices in schools by threatening to withhold federal funding from those that refuse to comply. On August 14, the District Court granted [summary judgement](#) holding the letter and certification requirement “unlawful and aside.”

118. [\*National Education Association v. US Department of Education\*, No. 1:25-cv-00091](#) — Judge Landya B. McCafferty (Obama) of the District of New Hampshire enjoined the U.S. Department of Education’s February 14, 2025 “Dear Colleague Letter” ending diversity, equity, and inclusion practices in schools by threatening to withhold funding from those that refuse to comply.

119. [\*NAACP v. U.S. Department of Education\*, No. 1:25-cv-01120](#) — Judge Dabney L. Friedrich (Trump) of the District of D.C. enjoined the U.S. Department of Education’s February 14, 2025 “Dear Colleague Letter” ending diversity, equity, and inclusion practices in schools by threatening to withhold federal funding from those that refuse to comply.

120. [\*American Association of Physicians for Human Rights v. NIH\*, No. 8:25-cv-01620](#) — Judge Lydia Kay Griggsby of the District of Maryland on issued an August 1 [order](#) and August 14 [preliminary injunction](#) opinion barring NIH and

HHS from enforcing executive orders that terminate or deny funding of projects involving LGBT, gender identity, diversity, equity, or related topics, vacated the cancellation of the plaintiffs' grants and ordered the agencies to process their applications.

121. [\*Rhode Island Coalition Against Domestic Violence v. Bondi\*, No. 1:25-cv-00279](#) — Judge William E. Smith (G.W. Bush) of the District of Rhode Island on August 8, 2025 granted a [preliminary injunction](#) blocking the Trump administration's cancellation of grants related to DEI or gender ideology.

## **CERTIFICATE OF COMPLIANCE WITH RULE 32(a)**

IT IS HEREBY CERTIFIED:

1. That the foregoing Brief *Amicus Curiae* of America's Future in Support of Defendants-Appellants and Reversal complies with the type-volume limitation of Rule 29(a)(5), Federal Rules of Appellate Procedure, because this brief contains 6,461 words, excluding the parts of the brief exempted by Rule 32(f).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using WordPerfect version 18.0.0.200 in 14-point Times New Roman.

*/s/ William J. Olson*

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William J. Olson  
Attorney for *Amicus Curiae*

Dated: August 29, 2025

## **CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the foregoing Brief *Amicus Curiae* of America's Future in Support of Defendants-Appellants and Reversal, was made, this 29<sup>th</sup> day of August 2025, by the Court's Case Management/Electronic Case Files system upon the attorneys for the parties.

*/s/ William J. Olson*

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William J. Olson  
Attorney for *Amicus Curiae*