

IN THE
Supreme Court of the United States

No. 25A264

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, *et al.*,
Applicants,

v.

REBECCA KELLY SLAUGHTER, *et al.*,
Respondents.

**On Application to Stay the Judgment
of the United States District Court
for the District of Columbia
and Request for Administrative Stay**

**BRIEF *AMICUS CURIAE* OF
AMERICA'S FUTURE,
GUN OWNERS OF AMERICA, INC.,
GUN OWNERS FOUNDATION,
GUN OWNERS OF CALIFORNIA,
CITIZENS UNITED,
U.S. CONSTITUTIONAL RIGHTS LEGAL DEFENSE FUND, AND
CONSERVATIVE LEGAL DEFENSE AND EDUCATION FUND
IN SUPPORT OF APPLICATION TO STAY**

MICHAEL BOOS
Washington, DC 20003

JEFFREY C. TUOMALA
Winchester, VA 22602

PATRICK M. MCSWEENEY
Powhatan, VA 23139

RICK BOYER
Lynchburg, VA 24506

WILLIAM J. OLSON*
JEREMIAH L. MORGAN
WILLIAM J. OLSON, P.C.
370 Maple Avenue West, Suite 4
Vienna, VA 22180-5615
(703) 356-5070
Fax (703) 356-5085
wjo@mindspring.com
Attorneys for *Amici Curiae*
*Counsel of Record

September 15, 2025

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES.	ii
INTEREST OF THE <i>AMICI CURIAE</i>	1
STATEMENT OF THE CASE	1
SUMMARY OF ARGUMENT.	3
ARGUMENT	
I. THE COURTS INCORRECTLY CONSIDERED INCREASES IN THE EXECUTIVE POWER OF THE FTC OVER THE PAST 90 YEARS TO BE IRRELEVANT	5
II. THE DISTRICT COURT DID NOT HAVE AUTHORITY TO REINSTATE SLAUGHTER.	6
III. THE COURTS BELOW REFUSED TO ACCEPT ANY GUIDANCE FROM THIS COURT’S RECENT ORDERS IN <i>WILCOX</i> AND <i>BOYLE</i>	8
IV. THE NATURE OF THE PRESIDENT’S POWER TO REMOVE IS BEST UNDERSTOOD AND SUPPORTED BY <i>MYERS V. UNITED STATES</i>	12
V. THE PRESIDENT’S POWER OF REMOVAL MAY NOT BE EXPRESSLY STATED IN THE CONSTITUTION, BUT IT IS NEVERTHELESS SOLIDLY GROUNDED.	15
A. The Constitutional Role of a President	15
B. The Necessity of Implicit Powers.	18
VI. THE APPLICATION FOR STAY SHOULD BE TREATED AS A PETITION FOR CERTIORARI BEFORE JUDGMENT AND SHOULD BE GRANTED	23
CONCLUSION	24
APPENDIX	

TABLE OF AUTHORITIES

	<u>Page</u>
CONSTITUTION	
Article I, § 2, cl. 6	21
Article I, § 3, cl. 6-7	21
Article I, § 8, cl. 1	19
Article I, § 8, cl. 3.	19
Article I, § 8, cl. 18.	19, 21
Article II, § 1.	15
Article II, § 3.	15
Article II, § 4.	21
STATUTES	
15 U.S.C. § 41.	1
CASES	
<i>Agostini v. Felton</i> , 521 U.S. 203 (1997)	6
<i>Bowsher v. Synar</i> , 478 U.S. 714 (1986)	20
<i>CASA v. Trump</i> , 763 F. Supp. 3d 723 (D. Md. 2025)	6
<i>Doe v. Trump</i> , 766 F. Supp. 3d 266 (D. Mass. 2025)	6
<i>Dred Scott v. Sandford</i> , 60 U.S. 383 (1857)	18
<i>Free Enterprise Fund v. Public Company Accounting Oversight Board</i> , 561 U.S. 477 (2010)	13, 14
<i>Helvering v. Davis</i> , 301 U.S. 619 (1937)	19
<i>Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC</i> , 565 U.S. 171 (2012)	21
<i>Humphrey's Executor v. United States</i> , 295 U.S. 602 (1935)	1-3, 5, 6, 9, 12-15, 20, 24
<i>Korematsu v. United States</i> , 323 U.S. 214 (1944)	18
<i>Nat'l Council of Nonprofits v. OMB</i> , 763 F. Supp. 3d 36 (D.D.C. 2025)	11
<i>Nat'l Council of Nonprofits v. OMB</i> , 775 F. Supp. 3d 100 (D.D.C. 2025)	10, 11
<i>Marbury v. Madison</i> 5 U.S. 137 (1803)	20, 22
<i>Morrison v. Olson</i> , 487 U.S. 654 (1988)	13, 15
<i>Myers v. United States</i> , 272 U.S. 52 (1926)	4, 12, 15, 20, 21
<i>NFIB v. Sebelius</i> , 567 U.S. 519 (2012)	19
<i>Roe v. Wade</i> , 410 U.S. 113 (1973)	18
<i>Seila Law LLC v. Consumer Financial Protection Bureau</i> , 591 U.S. 197 (2020)	14, 21
<i>Severino v. Biden</i> , 71 F.4th 1038 (D.C. Cir. 2023)	7
<i>Trump v. Boyle</i> , 145 S. Ct. 2653 (July 23, 2025)	2-5, 8, 9
<i>Trump v. Wilcox</i> , 145 S. Ct. 1415 (May 22, 2025)	2-5, 8-10
<i>Trustees of Dartmouth College v. Woodward</i> , 17 U.S. 518 (1819)	21

<i>United States v. Lopez</i> , 514 U.S. 549 (1995)	19
<i>Washington v. Trump</i> , 765 F. Supp. 3d 1142 (W.D. Wash. 2025)	6
<i>White v. Berry</i> , 171 U.S. 366 (1898).	7
<i>Wickard v. Filburn</i> , 317 U.S. 111 (1942).	19

MISCELLANEOUS

E. Fitz & K. Saunders, “Distrusting the Process: Electoral Trust, Operational Ideology, and Nonvoting Political Participation in the 2020 American Electorate,” 88 <i>Public Opinion Quarterly</i> 843 (July 16, 2024)	17
R. Knappenberger, “‘Shocking abuse of power’: Federal judge blocks Trump retaliation against Susman Godfrey,” <i>Courthouse News Service</i> (Apr. 15, 2025)	10
J. Madison, Federalist No. 41	19
J. Tuomala, “ <i>Marbury v. Madison</i> and the Foundation of Law,” 4 LIBERTY UNIVERSITY LAW REVIEW 297 (2015).	22

INTEREST OF THE *AMICI CURIAE*¹

Amici curiae America's Future, Gun Owners of America, Inc., Gun Owners Foundation, Gun Owners of California, Citizens United, U.S. Constitutional Rights Legal Defense Fund, and Conservative Legal Defense and Education Fund are nonprofit organizations, exempt from federal income taxation under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code, which have filed numerous *amicus curiae* briefs in federal and state courts.

These *amici* filed *amicus* briefs in *Wilcox v. Trump* both in the U.S. Court of Appeals for the District of Columbia and in this Court. See [Brief Amicus Curiae of America's Future, et al.](#), *Wilcox v. Trump*, D.C. Circuit No. 25-5057 (Mar. 29, 2025) and [Brief Amicus Curiae of America's Future, et al.](#), *Trump v. Wilcox*, Supreme Court of the United States No. 24A966 (Apr. 15, 2025).

STATEMENT OF THE CASE

The Federal Trade Commission Act, as enacted in 1914, purported to limit the ability of the President to remove Federal Trade Commission ("FTC") Commissioners only for "inefficiency, neglect of duty, or malfeasance in office." 15 U.S.C. § 41. This provision was upheld by this Court in 1935 in *Humphrey's Executor v. United States*, 295 U.S. 602 (1935). During the 90 years since, this Court has clarified the scope of the President's Article II powers over the Executive Branch, and Congress has enhanced the powers and responsibilities of the FTC.

¹ It is hereby certified that no counsel for a party authored this brief in whole or in part; and that no person other than these *amici curiae*, their members, or their counsel made a monetary contribution to its preparation or submission.

On March 18, 2025, President Trump, exercising the Article II powers of his office, notified Respondent Rebecca Slaughter that he was removing her from her position as an FTC Commissioner. President Trump did not claim the removal was for any of the for-cause reasons specified in the FTC Act. Instead, his letter to her specifically referred to his “authority under Article II of the Constitution.”

Slaughter filed suit, claiming her removal violated the for-cause limitation on removal of Commissioners found in the FTC Act. The Government argues, *inter alia*, that Congress cannot constrain the President’s inherent Article II powers to remove heads of agencies operating under the Executive Branch.

The district court granted Respondent’s motion for summary judgment. *See Slaughter v. Trump*, 2025 U.S. Dist. LEXIS 136631 (D.C. D.C. 2025) (“*Slaughter I*”). In denying a stay of its decision, the district court mentioned this Court’s recent orders in *Trump v. Wilcox*, 145 S. Ct. 1415 (May 22, 2025), and *Trump v. Boyle*, 145 S. Ct. 2653 (July 23, 2025), but did not believe they had any application to the current challenge because it involved the FTC. *See* Appendix at 34a-35a, n.3. It asserted that it was bound by *Humphrey’s Executor*, while simultaneously acknowledging “that the majority [of this Court in *Wilcox* recently had] contravened *Humphrey’s Executor*.” *Id.* at 34a-35a (quoting *Wilcox* at 1419 (Kagan, J., dissenting)).

The district court order did not purport to restrict the actions of President Trump directly, but sought to restrict them indirectly by fashioning two types of

injunctive relief. First, it enjoined the other Commissioners from removing her from office (a statutory power the Commissioners did not have), and ordered her reinstatement (an equitable power the court did not have). *See* Appendix at 36a.

A divided panel of the D.C. Circuit declined to stay the district court's order. *See Slaughter v. Trump*, 2025 U.S. App. LEXIS 22628 (D.C. Cir. 2025) ("*Slaughter II*"). In dissent, Judge Rao asserted, *inter alia*, that this Court's decisions in *Boyle* and *Wilcox* instructed that "the Commission unquestionably exercises significant executive power, and the other equities favor the government," and accordingly a stay should have been granted. Appendix at 15a.

The Government filed its Application for Stay ("App. for Stay") on September 4, 2025, which also asks this Court to construe the Application as a Petition for Writ of Certiorari before Judgment and grant it.

SUMMARY OF ARGUMENT

Since President Trump was inaugurated on January 20, 2025, he has acted to staff the Executive Branch with persons willing to implement the policies for which he was elected President by the American People. Consistent with that mission, President Trump decided that Respondent Slaughter's "continued service on the FTC is inconsistent with [his] Administration's priorities." App. for Stay at 5.

Even if it had been correct when decided, *Humphrey's Executor* does not control now that the FTC exercises substantial executive powers that did not exist 90 years ago. The district court did not have authority to reinstate Slaughter to the

FTC, and the district court's effort to enjoin the other members of the FTC was no more than a transparent effort to fashion a workaround of its recognized inability to enjoin the President.

In his second term, President Trump also removed other members of multi-member agencies who have impeded the agenda of the Executive Branch, and he has been faced with other challenges. When district courts enjoined those other actions, this Court has been required to intervene to reaffirm the powers of the President as the head of a co-equal branch of government, pending resolution of the cases on the merits. *See Trump v. Wilcox* (allowing termination of members of the National Labor Relations Act ("NLRB") and the Merit Systems Protection Board ("MSPB")), and *Trump v. Boyle* (allowing the termination of members of the Consumer Protection Safety Commission ("CPSC")). The courts below treated these prior orders as having no effect, and issued injunctions.

The Government has established a high likelihood that it will succeed on the merits. *Humphrey's Executor* has been widely criticized and should be recognized as a outlier, inconsistent with *Myers v. United States*, 272 U.S. 52 (1926). The courts below refused to recognize the President's constitutional authority over all of the government's executive powers, and that the power to remove is inherent in the power to appoint. Respondent Slaughter should not be allowed to exercise executive power to thwart the agenda of an elected President until this Court can rule on the merits.

Lastly, these *amici* urge that the Government’s Application for a Stay be treated as a Petition for Certiorari before Judgment and granted. The core issue in the three cases that have now come before this Court — *Wilcox*, *Boyle*, and now *Slaughter* — is the same, and there is no reason to believe that further percolation of this issue would be helpful to this Court’s consideration of the merits.

ARGUMENT

I. THE COURTS INCORRECTLY CONSIDERED INCREASES IN THE EXECUTIVE POWER OF THE FTC OVER THE PAST 90 YEARS TO BE IRRELEVANT.

In granting summary judgment to *Slaughter*, the district court claimed it was bound by this Court’s 90-year-old ruling in *Humphrey’s Executor v. United States*. The district court opined that, “[b]ecause ‘it is [the Supreme] Court’s prerogative alone to overrule one of its precedents,’ ... the court cannot, and will not” grant the government relief. App. at 53a-54a. This Court’s 1935 ruling was predicated on the understanding that the duties of the FTC were “neither political nor executive, but predominantly quasi-judicial and quasi-legislative” (*Humphrey’s Executor* at 624) and held that, since the FTC was not exercising primarily executive power, Congress could limit the President’s power to remove FTC commissioners. The courts below acknowledged that the FTC Act had changed significantly during the last nine decades, but believed that this Court’s 1935 decision still applied despite those changes.

The Government detailed the growth of the FTC’s executive powers. App. for Stay at 12-16. It explained that the 2025 FTC has “substantial executive

authority” and “significant rulemaking authority.” *Id.* at 12. The modern FTC also has greater adjudicatory authority (*id.* at 13) and investigatory and enforcement powers (*id.* at 14) than in 1935. The changing facts of this case present the need to apply the legal principle, *Cessante ratione legis cessat ipsa lex*.

In 1997, this Court made clear another principle, that no matter how the lower courts viewed the case: “the District Court and Court of Appeals [do] not insulate a legal principle on which they relied from **our review to determine its continued vitality.**” *Agostini v. Felton*, 521 U.S. 203, 237-38 (1997) (emphasis added). Even if the district court and the court of appeals were correct that they were powerless to rule differently from *Humphrey’s Executor*, that constraint is no longer present here.

II. THE DISTRICT COURT DID NOT HAVE AUTHORITY TO REINSTATE SLAUGHTER.

To its credit, unlike some other district courts,² the district court below did not believe that it had authority to enjoin the President of the United States.³ However, it attempted to achieve the same effect when it ordered the reinstatement

² In the three Birthright Citizenship cases considered by this Court earlier this year, all Plaintiffs-Respondents named President Trump as a defendant in his official capacity. The Maryland and Western District of Washington district courts actually purported to enjoin the President. *See CASA v. Trump*, 763 F. Supp. 3d 723, 746-47 (D. Md. 2025); *Washington v. Trump*, 765 F. Supp. 3d 1142, 1149 n.4, 1154 (W.D. Wash. 2025). Only the Massachusetts District Court understood it had no authority to enjoin the President, but it left the issue unresolved. *See Doe v. Trump*, 766 F. Supp. 3d 266, 288-89 (D. Mass. 2025).

³ *Slaughter I*, App. at 72a.

of Slaughter and issued an injunction against the other members of the FTC. The court asserted that “a court may ‘enjoin “subordinate executive officials” to reinstate a wrongly terminated official “de facto,” even without a formal presidential reappointment.”’ *Id.* at *49 (quoting *Severino v. Biden*, 71 F.4th 1038, 1042-43 (D.C. Cir. 2023)). However, even if that D.C. Circuit decision could be read to stand for the proposition cited, it violates this Court’s venerable ruling establishing a limitation on judicial authority, stating that “a court of equity [may] not, by injunction, restrain an executive officer from making a wrongful removal of a subordinate appointee, nor restrain the appointment of another.” *White v. Berry*, 171 U.S. 366, 377 (1898).

Knowing that it could not enjoin the President, and casting about for ways to reinstate Slaughter when it knew or should have known it had no authority to do so, the court landed upon a bizarre approach: to enjoin the other FTC Commissioners from removing Slaughter, even though they had no such power under the statute. The district court:

ORDERED that Defendants Andrew Ferguson, Melissa Holyoak, David Robbins, and their subordinates and agents are ENJOINED from removing Ms. Slaughter from her lawful position as an FTC Commissioner.... [App. at 39a.]

There is no justification for this type of convoluted series of injunctions to do indirectly what the court knew it could not do directly.

III. THE COURTS BELOW REFUSED TO ACCEPT ANY GUIDANCE FROM THIS COURT'S RECENT ORDERS IN *WILCOX* AND *BOYLE*.

Only weeks ago, in *Trump v. Wilcox*, this Court stated its “judgment that the Government faces greater risk of harm from an order allowing a removed officer to continue exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty.” *Id.* at 1416-17. And, this Court stated its “judgment that the Government is likely to show that both the NLRB and MSPB exercise considerable executive power” (*id.* at 1416), just as the FTC does (*see* App. for Stay at 13). Nevertheless, the district court expressed no desire to follow such guidance from *Wilcox*.

The district court chose to confine the lessons of *Wilcox* to two agencies only: “even taking the Court’s pronouncements at face value, its order only addressed removal protections as they pertain to the NLRB and MSPB.” *Slaughter I* at *29.

The district court feigned confusion about *Wilcox*, stating that it was:

unsure of what to make of the Court’s one-sentence pronouncement in a four-paragraph grant of a stay application. It does not represent a final, definitive, and reasoned decision on the merits. And the order does not cite any substantive case law to support its brief statement on irreparable harm or the balance of the equities. [*Id.* at *57-58.]

As with *Wilcox*, the district court also rejected this Court’s guidance in *Trump v. Boyle*, because *Boyle* “made no mention of *Humphrey’s Executor* or the FTC. Instead, it relied entirely on the existing stay order in *Wilcox*.” App. at 34a, n.3. Is the district court really saying it would have viewed *Boyle* as controlling if this Court repeated in *Boyle* what it had just explained in *Wilcox* rather than just

cite to its earlier decision? The district court defiantly insisted that it “will not upend its own analysis on the basis of a procedural order that fails to address *Humphrey’s Executor* or the FTC.” App. at 79a.

It mattered not at all to the district court that, as Judge Rao later noted on appeal, this case is “virtually identical” to *Wilcox* and *Boyle*. See App. at 15a (Rao, J., dissenting). Any difference between the FTC and the agencies in *Wilcox* and *Boyle* argues strongly against the injunction being issued, as explained in the Application. The FTC that was evaluated in *Humphrey’s Executor* in 1935 no longer exists; the current FTC is a very different agency.

Like the district court, the circuit court also declared that adherence to its expanded view of *Humphrey’s Executor* overrode adherence to this Court’s recent orders in *Wilcox* and *Boyle*. See App. for Stay at 7 (quoting *Slaughter II* at 3a). Although being less openly dismissive of *Boyle* and *Wilcox* than the district court, the circuit court too brushed aside the accretion of executive power to the FTC since *Humphrey’s Executor*. The circuit court rejected *Wilcox*’s teaching that “the Government faces greater risk of harm from an order allowing a removed officer to continue exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty” (*Wilcox* at 1416-1417), deciding instead that the balance of equities should favor *Slaughter*. *Slaughter II* at 12a.

In dissent, Judge Rao hammered home the circuit court’s rejection of this Court’s instruction, noting that this Court had “determined that ‘the Government faces greater risk of harm from an order allowing a removed officer to continue

exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty.” *Slaughter II* at 15a (Rao, J., dissenting) (quoting *Trump v. Wilcox*, 145 S. Ct. 1415, 1415 (2025)). Judge Rao explained “Because **we are required to exercise our equitable discretion in accordance with the Court’s directives**, the district court's order must be stayed.” *Id.* (emphasis added).

As some of these *amici* argued in their recent brief in this Court in *Wilcox*, the arguments of the courts below are merely “a splendid work of sophistry unmoored by principle.”⁴ Appearing to have decided how it wanted the case to come out, the district court did what it had to do, just as it had in prior cases. To put this case in context, District Court Judge AliKhan earlier barred President Trump’s April 9, 2025 Executive Order stripping security clearances from attorneys for the law firm Susman Godfrey,⁵ smearing the President’s protection of national security during a hearing as a “personal vendetta,” “immensely oppressive,” and “a shocking abuse of power.”⁶ In February, Judge AliKhan blocked a memorandum from President Trump’s director of the Office of Management and Budget (“OMB”) ordering federal agencies to “temporarily pause” any “financial assistance for foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the

⁴ *Trump v. Wilcox*, Brief *Amicus Curiae* of America’s Future, *et al.* at 25.

⁵ Executive Order, “[Addressing Risks from Susman Godfrey](#),” (Apr. 9, 2025).

⁶ R. Knappenberger, “[‘Shocking abuse of power’: Federal judge blocks Trump retaliation against Susman Godfrey](#),” *Courthouse News Service* (Apr. 15, 2025).

green new deal.” *Nat’l Council of Nonprofits v. OMB*, 775 F. Supp. 3d 100, 109 (D.D.C. 2025). The judge trumpeted her personal political views about the policy she enjoined. She wrote, “the freeze was ill-conceived from the beginning.” *Id.* at 125. She argued that “Defendants’ actions were irrational, imprudent, and precipitated a nationwide crisis.” *Id.* In an earlier ruling in the same case, the judge described the funding pause as creating “a stark picture of nationwide panic.” *Nat’l Council of Nonprofits v. OMB*, 763 F. Supp. 3d 36 (D.D.C. 2025).

The district judge continued this swashbuckling approach below by warning that “a president cannot faithfully execute the laws or ‘preserve, protect[,] and defend the Constitution’ ... by running roughshod over congressionally enacted legislation. The delicate balance between our three branches of government ... cannot be cast aside in the name of one administration’s **political** whims.” *Slaughter I* at 77a (emphasis added). The district judge accused the President of “dislik[ing] the laws” and “seek[ing] to invalidate” them. *Id.* at 78a. The court declared that President Trump should not be “allowed to enforce his preferred **policy** agenda through unfettered removal power” (App. at 37a (emphasis added)), even though it is elected Presidents, not appointed judges, who are chosen by the People based on their **political** views in order to implement **policy** changes.

To use Judge Rao’s term, this Court is once again called upon to “chide[the] lower court[s] for failing to follow *Wilcox*” — and *Boyle* as well — again staying an unlawful injunction. *Slaughter II* at 27a (Rao, J., dissenting).

IV. THE NATURE OF THE PRESIDENT'S POWER TO REMOVE IS BEST UNDERSTOOD AND SUPPORTED BY *MYERS V. UNITED STATES*.

President Trump has exercised the power of the Presidency to remove at-will any principal officer of the United States exercising executive power. That action of the President may violate the terms of the FTC Act, but it is well supported, particularly by *Myers v. United States*, 272 U.S. 52 (1926). There, this Court ruled that Congress could not condition the removal of a principal officer exercising executive power on the advice and consent of the Senate. In reaching the conclusion that Congress could not place restrictions on the President's power to remove principal officers who exercise executive powers, the *Myers* Court provided a detailed historical survey of the drafting and early Congressional interpretation of the President's powers of appointment and removal. From this survey, the Court identified two rationales for reaching its conclusion.

The first rationale is that the President would be unable to fulfill his constitutional duty to ensure that the laws are faithfully executed unless he has the power to remove officers who have lost his confidence. *Id.* at 117. The Court in *Myers*, and others since then, have convincingly supported this rationale. The second rationale offered by the *Myers* Court is that the power to remove is "incident to the power of appointment." *Id.* at 122. This *amicus* brief principally focuses on this second rationale.

Thereafter, this Court lost sight of the basic principles set out in *Myers* when deciding two cases that should be considered outliers — *Humphrey's Executor* and

Morrison v. Olson, 487 U.S. 654 (1988). Those two cases attempted to justify limits placed on Presidents’ removal power, although the rationales provided in the two cases are at odds not only with *Myers*, but also with each other. These departures from *Myers* reflect two major deviations from the fundamental design of the U.S. Constitution, the hallmarks of which are the separation of powers among the three branches of government and the limited number of enumerated powers of the federal government.

President Trump argues that this case can be resolved in favor of his power to remove principal officers who exercise executive power without overruling *Humphrey’s Executor*. See App. for Stay at 19. However, these *amici* agree with the Applicants that this Court should issue a writ of certiorari to take this opportunity to set out constitutionally correct principles to correct the departure from the *Myers* path taken in *Humphrey’s Executor* and *Morrison*. See App. for Stay at 19, n.2 (“To the extent this Court concludes that *Humphrey’s Executor* remains controlling, this Court should overrule it after full briefing and argument.”).

The district court asserts that “*Humphrey’s Executor* remains good law today. Over the span of ninety years, the Supreme Court has declined to revisit or overrule it.” *Slaughter I* at 55a. However, in the past 15 years, this Court has taken small but important steps to return to the principles undergirding *Myers*, with several Justices openly criticizing the *Humphrey’s Executor* ruling.

In *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477 (2010), the Court ruled that Congress could not impose two layers of for-

cause removal restrictions. Writing for the majority, Chief Justice Roberts held that “[t]he President cannot ‘take Care that the Laws be faithfully executed’ if he cannot oversee the faithfulness of the officers who execute them.” *Id.* at 484.

In *Seila Law LLC v. Consumer Financial Protection Bureau*, 591 U.S. 197 (2020), this Court ruled that Congress could not create an independent agency headed by one person removable only for cause. The Chief Justice, writing again for the majority, distinguished *Humphrey’s Executor* and narrowly confined it to its facts. *Id.* at 204-05, 214-17. Justice Thomas, in a thorough concurrence joined by Justice Gorsuch, described *Humphrey’s Executor* as “a direct threat to our constitutional structure and, as a result, the liberty of the American people.” *Id.* at 239 (Thomas, J., concurring). He noted that “[c]ontinued reliance on *Humphrey’s Executor* to justify the existence of independent agencies,” as the district court below did, “creates a serious, ongoing threat to our Government’s design,” and while he acknowledged that the Court undercut *Humphrey’s Executor* “enough to resolve” the case before it, he urged that “in the future, we should reconsider *Humphrey’s Executor in toto.*” *Id.* at 251.

Neither of these decisions formally overruled *Humphrey’s Executor* or *Morrison*, but they certainly did not reaffirm *Humphrey’s Executor*, as incorrectly asserted by the district court. *See Slaughter I* at 53a. Rather, these two cases should, at minimum, be viewed as harbingers of a return to first principles of constitutional interpretation, calling into question the continuing validity of

Humphrey's Executor and *Morrison*. And the district court's rejection of *Myers* provides additional reasons for granting the Application.

V. THE PRESIDENT'S POWER OF REMOVAL MAY NOT BE EXPRESSLY STATED IN THE CONSTITUTION, BUT IT IS NEVERTHELESS SOLIDLY GROUNDED.

A. The Constitutional Role of a President.

The President of the United States is the only official in America who is elected by the participation of all the People.⁷ Thus, whether pundits characterize the decisiveness of his election as sufficient to be termed a “mandate,” the President has the authority and obligation to advance the platform on which he ran. Article II provides: “The executive Power shall be vested in a President of the United States of America.” Article II, § 1. One of the duties of his office is to “take Care that the Laws be faithfully executed.” Article II, § 3. The President takes an oath swearing: “I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.” Article II, § 1. Presidential races are hotly contested because of the office's vast powers. Given these vast responsibilities, including his role often being described as “leader of the free world,” one would assume that he would have all of the powers reasonably necessary to succeed.

⁷ In the November 5, 2024 election, President Trump won both the Electoral College (312 to 226) and the popular vote, with over 77 million votes, and won all seven battleground states.

The basic power a President would need to possess is the ability to recruit and place persons in his Administration who share his vision and who could assist him in carrying out his responsibilities. This personnel power would necessarily include both appointing and removing subordinate officials. Without that power, no President would be able to perform his constitutional duties to exercise “executive power,” to “take Care that the Laws be faithfully executed,” and to “preserve, protect and defend the Constitution.” Although those serving in the bureaucracy may have cooperated with the agenda of prior Presidents, few if any were hampered by the internal resistance faced by President Trump. The refusal of thousands of federal officials to help implement the agenda that 77 million voters supported has made it necessary for the President to take on this battle and seek to return to the original constitutional plan.

The district court describes limits on the power to remove federal officials as “to serve the public interest” and a way to guard against “one administration’s political whims.” *Slaughter I* at 77a. Actually, it is the limits on removal which the district court so admires that have a very different and dangerous effect. Those limits render the President unable to implement the platform on which he was elected. Without the ability to clear the decks of those who disagree with him and replace them with those who would help him carry out his agenda, there is conflict and paralysis.⁸ The failure of Presidents to implement their platforms is one of the

⁸ The onslaught of injunctions entered by certain federal district judges has certainly done its part to contribute to the chaos. See Appendix to this Brief.

main reasons that the American People have so little faith in government, so many are disaffected, and so many do not participate. No matter for whom they vote, most policies stay the same.⁹

One of the principal reasons that Presidents can be stymied in making reforms is that there exists an establishment with the power to erect many impediments to preserve their power. All courts, but particularly this Court, need to ensure that those in the federal judiciary who believe that the wrong candidate was elected do not wield their power in a partisan manner. President Trump has now been in office not quite nine months, but as of the date of the preparation of this brief, the Trump Administration has been subjected to 126 known district court injunctions. *See* Appendix. Of these 126 injunctions, 94 were issued by district judges appointed by Presidents Clinton (20), Obama (37), and Biden (37). To be sure, there was sophisticated judge shopping, and certain challenges were dropped once they were assigned to judges appointed by Republican Presidents.¹⁰ Nevertheless, it appears that many unelected federal judges view themselves as

⁹ *See* E. Fitz & K. Saunders, “[Distrusting the Process: Electoral Trust, Operational Ideology, and Nonvoting Political Participation in the 2020 American Electorate](#),” 88 *Public Opinion Quarterly* 843 (July 16, 2024).

¹⁰ *See, e.g.*, the State of New Jersey brought its challenge to the President’s Birthright Citizenship Executive Order not in New Jersey, but in Massachusetts (*New Jersey v. Trump*, 1:25-cv-10139); a challenge to the Birthright Citizenship Executive Order brought in USDC-DC was dropped after being assigned to Judge Trevor McFadden (*OCA-Asian Pacific American Advocates v. Rubio*, 1:25-cv-00287).

serving the country by using their equitable powers to block the agenda that President Trump was elected to implement.

B. The Necessity of Implicit Powers.

Based on the clear, complete, and unequivocal vesting of executive power, most discussions of Presidential power are focused on his “executing” specific constitutional or statutory powers. However, authority for the President to perform many of his powers cannot be sourced to any specific constitutional provision or particular section of the U.S. Code. Utilization of these implicit powers is essential to the operation of the Executive Branch of government and to carry out his constitutional duties. The President acts through subordinate officials. Appointing and removing officers are necessary means to ensure that the laws are faithfully executed.

It is true that the Constitution grants Congress a before-the-fact check on the President’s appointment powers through the “advise and consent” requirement for principal offices. And it is true that the Constitution grants Congress an after-the-fact check on the President’s appointments through the impeachment power. However, there is no other constitutional power given to Congress to limit the removal of officials exercising executive branch powers. Although the FTC has been with us for 90 years, longevity does not equate to legitimacy. *Dred Scott v. Sandford*, 60 U.S. 383 (1857), was considered good law, and so also was *Korematsu v. United States*, 323 U.S. 214 (1944), and more recently *Roe v. Wade*, 410 U.S. 113 (1973), for about 50 years. None was good law, even while in effect.

It is curious that the same “legal scholars” who would bar the President from removing those who are exercising power in multi-member agencies have no problem with the Congress exercising powers to regulate Americans by finding penumbras and emanations in the Constitution, including giving virtually unlimited application to the Commerce Clause,¹¹ the Spending Power and General Welfare Clause,¹² the Taxing Power,¹³ and the Necessary and Proper Clause.

Both the powers of appointment and removal are essential to the functioning of every organization that depends upon individuals to carry out its mission. The

¹¹ See, e.g., *Wickard v. Filburn*, 317 U.S. 111 (1942), which has never been overruled, but which on one occasion was described by this Court as “perhaps the most far reaching example of Commerce Clause authority over intrastate activity” which operated to “greatly expand[] the previously defined authority of Congress under that Clause....” *United States v. Lopez*, 514 U.S. 549, 560, 556 (1995). Justice Thomas asserted that *Wickard*’s “substantial effect on interstate commerce” test was “far removed from both the Constitution and from [this Court’s] early case law.” *Id.* at 601 (Thomas, J., concurring).

¹² See, e.g., *Helvering v. Davis*, 301 U.S. 619, 640-42 (1937), where the Court defaulted on its obligation to rule whether a particular spending measure was for the “general welfare” by deferring to Congress’s discretion — a rule still followed. See also Federalist No. 41 (“It has been urged and echoed, that the power ‘to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States,’ amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare.... For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power?”).

¹³ See *NFIB v. Sebelius*, 567 U.S. 519 (2012), where even five Justices (Roberts, Scalia, Kennedy, Thomas, and Alito) found the individual mandate in the Patient Protection and Affordable Care Act (known as “Obamacare”) not authorized by the Commerce Clause or Necessary and Proper Clause, while five Justices (Roberts, Ginsburg, Breyer, Sotomayor, and Kagan) found it to be a lawful exercise of the Taxing Power.

executive power assigned to the President cannot be exercised effectively without the ability to assure accountability within the Executive Branch. *See Myers* at 117. The power to remove subordinate executive officers is incidental to the power to appoint. *Id.* at 119. In *Humphrey's Executor*, the Court nevertheless upheld a legislative provision imposing limitations on the President's removal power, while affirming the proposition that "congressional participation in the removal of executive officers is unconstitutional." *Bowsher v. Synar*, 478 U.S. 714, 724 (1986).

Many examples can be drawn from Article II of powers that the People have delegated to the President that are not executive by nature in the sense of enforcing the law. The power to make treaties is a foreign affairs power and is neither executive nor legislative by nature. Until a treaty is made, there is no law to enforce; a treaty cannot be made by legislation. Similarly, the power to recommend legislation to Congress, like the veto power, is generally considered to be legislative in nature. Another inherent power that each branch of government possesses is the power to make rules and regulations for their internal operation.¹⁴

The Supreme Court has recognized the power of organizations formed by contract, and those that preexist the state, to appoint and remove officers of their own choosing to ensure proper functioning of those organizations in pursuance of

¹⁴ In *Marbury v. Madison*, 5 U.S. 137 (1803), Chief Justice Marshall noted that in deciding cases, the Court is bound not only by the Constitution and acts of Congress, but also by general principles of law. *Id.* at 170. The Declaration of Independence identifies the source of authority for these general principles of law, also known as "the Laws of Nature and of Nature's God," as the "Creator" and "Supreme Judge of the World."

their respective missions. In *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819), the Supreme Court recognized the preexisting right or general principle of law to form a voluntary organization by contract and to appoint its officers to execute the terms of its agreement. Similarly, in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. 171, 184, 191 (2012), the Supreme Court recognized the preexisting right of churches to appoint and remove officers according to the tenets of their faith.

The People have placed certain conditions on the President's inherent power of appointment. *See* Article II, § 2. Otherwise, the President has the inherent power to appoint officers of his own choosing. Similarly, he has the power to remove officers subject to limitations that the people place on him. The only limit on his power of removal is that Congress may remove an officer through the impeachment process that the President would rather retain in office. Article I, § 2, cl. 6; Article I, § 3, cl. 6-7; Article II, § 4.

The only possible source of a congressional power to limit the President's removal power is the Necessary and Proper Clause. *See, e.g., Myers* at 180-81 (McReynolds, J., dissenting); *Seila Law, Inc* at 267, 295-96 (Kagan, J., dissenting). That Clause states:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. [Article I, § 8, cl. 18.]

It is generally recognized that this Clause gives Congress the power to establish the great departments of government and offices necessary to operate them. In *Marbury*, the Court recognized the power of Congress to establish the State Department and office of Secretary of State. Congress had the power to channel the Secretary of State's discretion in the operation of that office, as evidenced by the particular laws giving Marbury a right to his commission as justice of the peace for the District of Columbia. *Marbury* at 170. The *Marbury* Court recognized a general principle of law that the Constitution is supreme and paramount law because it was adopted by the People, who exercised their original will in pursuance to their original right to adopt it.¹⁵ See *Marbury* at 176.

The general principle of law that the head of an organization has an inherent power of appointment and removal is operative. Although Congress may believe that independent agencies are “necessary” (*i.e.*, useful or convenient), they are, rather, not “proper.” The district court asserted that restrictions on the removal power provide essential checks and balances, but that is only a pretext to justify allowing Congress — as well as the judiciary — to usurp an inherent power of the Presidency required for real separation of powers and federalism.

¹⁵ J. Tuomala, “[Marbury v. Madison and the Foundation of Law](#),” 4 LIBERTY UNIVERSITY LAW REVIEW 297, 303-25 (2015).

VI. THE APPLICATION FOR STAY SHOULD BE TREATED AS A PETITION FOR CERTIORARI BEFORE JUDGMENT AND SHOULD BE GRANTED.

The Government's Application, in addition to requesting a stay of the district court's judgment, asks this Court to treat the Application as a petition for writ of certiorari before judgment and to grant it. *See* App. for Stay at 28-29. Treatment of an application for stay as a petition for certiorari is not routine, but it certainly is not unprecedented. In the last several years, there have been three cases in which some of these *amici* filed *amicus* briefs where this Court granted review based on an application for stay. On December 1, 2022, in *Biden v. Nebraska*, [No. 22-506](#), this Court treated an application for stay filed by the United States as a petition for certiorari before judgment and granted it. On January 5, 2024, in *Moyle v. United States*, [No. 23-726](#), this Court treated an application for a stay filed by Idaho Speaker Moyle as a petition for a writ of certiorari before judgment and granted it. On February 28, 2024, in *Trump v. United States*, [No. 23-939](#), [this Court granted](#) the Special Counsel's request to treat a stay application filed on behalf of now-President Trump as a petition for a writ of certiorari and granted it.

The issues presented by this case are critical questions involving the separation of powers. The questions raised by the Government's Application (at 28) relate to whether the legislative and judicial branches can limit the executive's inherent Article II powers.

There is no benefit that could come from months or years of percolation of this case. The district court has already rejected the President's position. Too

many lower courts have demonstrated an eagerness to hamstring the policies of this administration. The district court's order here would put back in office a person whose views are inconsistent with the administration and do much damage to the President's agenda. Therefore, no good reason exists to delay a resolution of these questions now, at the outset of the new administration.

Furthermore, both courts below expressed that only this Court can change its position from *Humphrey's Executor*. Even though the current FTC to which Respondent was appointed is different from what this Court considered in 1935, this Court is in the best position either to reconsider whether *Humphrey's Executor* remains good law or to distinguish the modern day FTC from the Court's holding in *Humphrey's Executor*.

CONCLUSION

For the foregoing reasons, this Court should stay the judgment of the district court pending appeal.

Respectfully submitted,

MICHAEL BOOS
CITIZENS UNITED
1006 Pennsylvania Ave. SE
Washington, DC 20003

JEFFREY C. TUOMALA
114 Creekside Ln.
Winchester, VA 22602

PATRICK M. MCSWEENEY
3358 John Tree Hill Road
Powhatan, VA 23139

WILLIAM J. OLSON*
JEREMIAH L. MORGAN
WILLIAM J. OLSON, P.C.
370 Maple Avenue West, Suite 4
Vienna, VA 22180-5615
(703) 356-5070
Fax (703) 356-5085
wjo@mindspring.com
*Counsel of Record
September 15, 2025

RICK BOYER
INTEGRITY LAW FIRM
P.O. Box 10953
Lynchburg, VA 24506

APPENDIX

**FEDERAL COURT INJUNCTIONS AGAINST
THE TRUMP ADMINISTRATION**

(January 20, 2025 through September 12, 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](#).

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 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.

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.

App.6

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 “[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 (Biden) of the Central District of California on July 11 issued a [temporary restraining order](#) enjoining immigration officers in the Los Angeles area from certain actions, and 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. An [application for a stay](#) was filed at the U.S. Supreme Court on August 7, and a [stay of the July 11 order was granted](#) (6-3) on September 8.

32. [*Make the Road New York v. Noem*, No. 1:25-cv-00190](#) — Judge Jia M. Cobb (Biden) of the District of D.C. on August 29 issued an [opinion blocking](#) the policy to use of expedited removal under the Immigration and Nationality Act (INA) for noncitizens located anywhere in the U.S. who cannot prove they have been continuously present for more than two years, and [denied a stay pending appeal](#) on September 5. The Trump administration has [appealed to the DC Circuit](#).

*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

33. [*Talbott 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.

34. [*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.

35. [*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.

36. [*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.

37. [*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.

38. [*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.

39. [*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.

40. [*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.

41. [*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.

42. [*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

43. [*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.

44. [*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](#).

45. [*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](#).

46. [*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](#).

47. [*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.

48. [*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.

49. [*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.”

50. [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.

51. [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](#).

52. [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.

53. [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.

54. [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.

55. [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](#).

56. [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.

57. [*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.

58. [*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](#).

59. [*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.

60. [*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.

61. [*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.

62. [*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.

63. [*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.”

64. [*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.
65. [*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.
66. [*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.
67. [*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.
68. [*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.
69. [*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.
70. [*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, and the Supreme Court granted certiorari on September 9.

71. [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](#). On September 2, Judge Breyer filed an [order granting injunctive relief](#), and on September 4 the [Ninth Circuit](#) ordered an [administrative stay](#) of the September 2 order.

72. [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).

73. [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, then [dissolved that stay and denied](#) stay pending appeal September 2. The Trump administration [applied for a stay](#) of the July 17 order at the Supreme Court, which the Chief Justice granted on Sept. 8.

74. [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.

75. [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.

76. [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](#).

77. [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.

78. [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.

79. [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.

80. [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.

81. [Abramowitz v. Lake, No. 1:25-cv-00887](#) — Judge Royce C. Lamberth (Reagan) of the District of D.C. on April 22 granted a [preliminary injunction](#), which was then [partially stayed](#) by the DC Circuit on May 3, and [argument on the merits](#) is

scheduled for September 22, 2025. On August 28, Judge Lamberth granted a [partial summary judgment](#) to Voice of America (VOA) Director Michael Abramowitz, ruling that his removal was unlawful; the Trump administration on September 3 [appealed this judgment](#) to the DC Circuit.

82. [Cook v. Trump, No. 1:25-cv-02903](#) — Judge Jia M. Cobb (Biden) of the District of D.C. on September 9 issued a [preliminary injunction](#) restoring Federal Reserve Board Governor Lisa Cook to her position. The Trump administration filed an [emergency motion for a stay](#) pending appeal and administrative stay at the DC Circuit on September 11.

83. [Perlmutter v. Blanche, No. 1:25-cv-01659](#) — Judge Timothy J. Kelly (Trump) of the District of D.C. on July 30 [denied Plaintiff's preliminary injunction](#) motion, and on August 20 [denied Plaintiff's emergency motion](#) for an injunction pending appeal. On September 10, the D.C. Circuit granted a [preliminary injunction](#) to Shira Perlmutter, the Register of Copyrights and Director of the U.S. Copyright Office, blocking the administration's attempt to remove her, concluding that only the Librarian of Congress, and not the President, has statutory authority to remove Perlmutter from her position.

FUNDING

84. [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.

85. [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, which [vacated the impoundment order](#) on August 13. On September 3, Judge Ali granted a [preliminary injunction](#) on APA grounds, and the DC Circuit on Sept. 5 [denied a request for stay](#) pending appeal. On emergency application to the Supreme Court, on September 9 Chief Justice Roberts [stayed the injunction](#) with respect to funds subject to the President's August 28, 2025 rescission proposal currently pending before Congress.

86. [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.

87. [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.

88. [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.

89. [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.

90. [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](#).

91. [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.

92. [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.

93. [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.

94. [Climate United Fund v. Citibank, N.A., No. 1:25-cv-00698](#) — Judge Tanya S. Chutkan (Obama) of the District of D.C. on March 18 issued a [temporary restraining order](#), on April 15 issued a [preliminary injunction order](#) and an [opinion](#) on April 16 enjoining EPA's Termination of Greenhouse Gas Reduction Fund Grants. The DC Circuit [vacated the PI](#) on September 2, and plaintiff/appellees filed a petition for rehearing en banc on September 10.

95. [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.

96. [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](#).

97. [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.

98. [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.

99. [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.

100. [*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.
101. [*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.
102. [*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.
103. [*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.
104. [*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.
105. [*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.
106. [*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.

107. [*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, and [denied a stay](#) pending appeal on Aug. 29. An [appeal to the First Circuit](#) was docketed on July 23, and the July 21 and July 28 injunctions were [stayed pending appeal](#) by the circuit court on September 11, 2025.
108. [*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.
109. [*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.
110. [*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.
111. [*The Authors Guild v. National Endowment for the Humanities*, No. 1:25-cv-03923](#) — Senior 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.
112. [*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.
113. [*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.

114. [*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.

115. [*President and Fellows of Harvard College v. Dept. of HHS*](#), No. 1:25-cv-11048 — Judge Allison D. Burroughs (Obama) of the District of Massachusetts on September 3 granted [partial summary judgment](#) for the plaintiff, after Harvard sued over the Trump administration freezing \$2.2 billion in federal funds.

ELECTIONS

116. [*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.

117. [*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

118. [*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.

119. [*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.

120. [*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.

121. [*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.

122. [*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.”

123. [*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.

124. [*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.

125. [*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.

126. [*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.