

# ***Trump v. CASA, Inc.* and Nationwide Injunctions During the Second Trump Administration**

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## Trump v. CASA, Inc. and Nationwide Injunctions During the Second Trump Administration

On June 27, 2025, the Supreme Court decided *Trump v. CASA, Inc.*, a trio of consolidated cases in which the Court limited the ability of federal courts to issue *nationwide injunctions*—court orders against the government that prevent the government from implementing a challenged law, regulation, or other policy against all relevant persons and entities, whether or not such persons or entities are parties participating in the litigation. No. 24A884, 2025 WL 1773631 (U.S. June 27, 2025). The substantive legal issue in these cases concerns the validity of Executive Order No. 14,160, “Protecting the Meaning and Value of American Citizenship,” which provides that the protections afforded to individuals under the Citizenship Clause of the Fourteenth Amendment, known as birthright citizenship, shall not apply to certain individuals born in the United States to specified categories of alien parents. The Supreme Court litigation in *CASA* focused on the procedural question of whether the trial courts erred in entering nationwide injunctions against enforcement of the executive order.

In the years leading up to the *CASA* decision, litigation over actions of the federal executive branch prompted significant discussion of the authority of federal courts to halt or prevent the enforcement of executive branch policies, with a particular focus on nationwide injunctions. Lawmakers, executive branch officials, judges, and commentators debated whether and when it is appropriate for a court to enjoin a government action in its entirety, with some arguing that nationwide injunctions are rarely or never appropriate, while others defended the practice. While no statute, procedural rule, or Supreme Court decision expressly authorized federal courts to issue nationwide injunctions or limited their ability to do so, courts at all levels of the federal judiciary had issued nationwide injunctions.

Before the decision in *CASA*, several sources provided counts of nationwide injunctions. In a May 2019 address, then-Attorney General William Barr stated that federal courts “issued only 27 nationwide injunctions in all of the 20th century.” By contrast, as of February 2020, the Department of Justice had identified 12 nationwide injunctions issued during the presidency of George W. Bush, 19 issued during Barack Obama’s presidency, and 55 such injunctions issued during the first Trump Administration up to that point. In April 2024, the *Harvard Law Review* published an article with counts of nationwide injunctions through 2023. With respect to the four most recent presidential Administrations, the article identified six nationwide injunctions issued under the George W. Bush Administration, 12 under the Obama Administration, 64 under the first Trump Administration, and 14 from the first three years of the Biden Administration. CRS reports from March and May 2025 identified 86 nationwide injunction cases from the first Trump Administration, 28 from the Biden Administration, and 25 from the first hundred days of the second Trump Administration.

Against that background, the Supreme Court decided *CASA*, holding that the Judiciary Act of 1789 (Ch. 20, 1 Stat. 73) does not authorize nationwide injunctions that reach more broadly than needed to provide complete relief to the parties to a case. While the *CASA* majority and concurrences expressed the intent to limit nationwide injunctions, the decision also left open several potential avenues for litigants to seek universal relief. It therefore remains to be seen how the decision will affect litigation challenging federal laws and policies. In the meantime, Congress might consider the available legislative options in the wake of *CASA*.

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On June 27, 2025, the U.S. Supreme Court decided *Trump v. CASA, Inc.*,<sup>1</sup> a trio of consolidated cases in which the Court limited the ability of federal courts to issue *nationwide injunctions*—court orders against the government that prevent the government from implementing a challenged law, regulation, or other policy against all relevant persons and entities, whether or not such persons or entities are parties participating in the litigation. The substantive legal issue in these cases concerns the validity of Executive Order No. 14,160, “Protecting the Meaning and Value of American Citizenship” (the Birthright Citizenship E.O.), which provides that the protections afforded to individuals under the Citizenship Clause of the Fourteenth Amendment, known as birthright citizenship, shall not apply to certain individuals born in the United States to specified categories of alien parents.<sup>2</sup> The Supreme Court litigation in *CASA* focused on the procedural question of whether the trial courts erred in entering nationwide injunctions against enforcement of the executive order.

In the years leading up to the *CASA* decision, litigation over actions of the federal executive branch prompted significant discussion of the authority of federal courts to halt or prevent the enforcement of executive branch policies, with a particular focus on nationwide injunctions.<sup>3</sup> Lawmakers, executive branch officials, judges, and commentators debated whether and when it is appropriate for a court to enjoin a government action in its entirety, with some arguing that nationwide injunctions are rarely or never appropriate, while others defended the practice.<sup>4</sup> While no statute, procedural rule, or Supreme Court decision expressly authorized federal courts to issue nationwide injunctions or limited their ability to do so, courts at all levels of the federal judiciary had issued nationwide injunctions.<sup>5</sup>

Before the decision in *CASA*, several sources provided counts of nationwide injunctions. In a May 2019 address, then-Attorney General William Barr stated that federal courts “issued only 27 nationwide injunctions in all of the 20th century.”<sup>6</sup> By contrast, as of February 2020, the U.S. Department of Justice had identified 12 nationwide injunctions issued during the presidency of George W. Bush, 19 issued during Barack Obama’s presidency, and 55 such injunctions issued during the first Trump Administration up to that point.<sup>7</sup> In April 2024, the *Harvard Law Review* published an article with counts of nationwide injunctions through 2023.<sup>8</sup> With respect to the four most recent presidential Administrations, the article identified six nationwide injunctions issued under the George W. Bush Administration, 12 under the Obama Administration, 64 under the first Trump Administration, and 14 from the first three years of the Biden Administration.<sup>9</sup> A March 2025 CRS report identified 86 nationwide injunction cases from the first Trump Administration

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<sup>1</sup> No. 24A884, 2025 WL 1773631 (U.S. June 27, 2025).

<sup>2</sup> 90 Fed. Reg. 8449 (Jan. 20, 2025).

<sup>3</sup> For additional discussion of the legal and policy debate around nationwide injunctions, see CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2021).

<sup>4</sup> See *id.*

<sup>5</sup> See, e.g., Samuel L. Bray, *Multiple Chancellors: Reforming the National Injunction*, 131 HARV. L. REV. 417, 444 (2017); Mila Sohoni, *The Lost History of the “Universal” Injunction*, 133 HARV. L. REV. 920, 924–28 (2020).

<sup>6</sup> William P. Barr, Attorney General, Remarks to the American Law Institute on Nationwide Injunctions (May 21, 2019).

<sup>7</sup> Jeffrey A. Rosen, Deputy Attorney General, Address at the Administrative Conference of the United States Forum on Nationwide Injunctions and Federal Regulatory Programs (Feb. 12, 2020).

<sup>8</sup> *District Court Reform: Nationwide Injunctions*, 137 HARV. L. REV. 1701 (2024).

<sup>9</sup> *Id.* at 1705. The *Harvard Law Review* article classified nationwide injunctions based on the President whose Administration issued the challenged government action. See *id.*

and 28 from the Biden Administration.<sup>10</sup> CRS later identified 25 nationwide injunctions issued during the first hundred days of the second Trump Administration between January 20, 2025, and April 29, 2025.<sup>11</sup>

Against that background, the Supreme Court decided *CASA*, holding that the Judiciary Act of 1789<sup>12</sup> does not authorize nationwide injunctions that reach more broadly than needed to provide complete relief to the parties to each case.<sup>13</sup> While the *CASA* majority and two of the concurrences expressed the intent to limit nationwide injunctions,<sup>14</sup> the decision also left open several potential avenues for litigants to seek universal relief.<sup>15</sup> It therefore remains to be seen how the decision will affect litigation challenging federal laws and policies.

This CRS report analyzes nationwide injunctions up to and including the Supreme Court’s decision in *CASA*. After a brief discussion of background and terminology related to universal relief,<sup>16</sup> it outlines CRS’s methodology for identifying nationwide injunctions,<sup>17</sup> then provides an updated list of 34 cases in which nationwide injunctions were issued between January 20, 2025, when President Trump took office for the second time, and June 27, 2025, the date of the *CASA* decision.<sup>18</sup> Next, it discusses the litigation in *CASA*, the potential impact of the decision, and certain questions that remain following the decision.<sup>19</sup> The report closes with selected considerations for Congress pertaining to nationwide injunctions and related legal issues.<sup>20</sup>

## Background and Terminology

An *injunction* is a form of equitable relief<sup>21</sup> by which a court either requires an entity to take a certain action or forbids an entity from taking a certain action.<sup>22</sup> The term “nationwide injunction” is not defined in any federal statute or procedural rule. Prior to the Supreme Court’s decision in *CASA*, it had also not been considered by a majority decision of the Supreme Court. Nonetheless, that term and related terms were used fairly consistently in lower court decisions and legal commentary. As used in those sources, a *nationwide injunction* was generally defined as an injunction *against the government* that prevents the government from implementing a challenged

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<sup>10</sup> CRS Report R48467, *Nationwide Injunctions Under the First Trump Administration and the Biden Administration*, by Joanna R. Lampe and Laura Deal (2025). CRS classified nationwide injunctions based on the President who was in office at the time each court order was issued. See *id.*, “Counting Nationwide Injunctions.”

<sup>11</sup> CRS Report R48476, *Nationwide Injunctions in the First Hundred Days of the Second Trump Administration*, by Joanna R. Lampe (2025).

<sup>12</sup> Ch. 20, 1 Stat. 73.

<sup>13</sup> *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*15 (U.S. June 27, 2025).

<sup>14</sup> See *id.*; *id.* at \*15–17 (Thomas, J., concurring); *id.* at \*17–18 (Alito, J., concurring).

<sup>15</sup> See *infra* “Potential Impact on Federal Court Litigation.”

<sup>16</sup> See *infra* “Background and Terminology.”

<sup>17</sup> See *infra* “Methodology for Identifying Nationwide Injunctions.”

<sup>18</sup> See *infra* “Table of Nationwide Injunction Cases.”

<sup>19</sup> See *infra* “*Trump v. CASA, Inc.*”

<sup>20</sup> See *infra* “Considerations for Congress.”

<sup>21</sup> Equitable relief is a court-ordered remedy providing relief other than money damages. *Equitable Remedy*, BLACK’S LAW DICTIONARY (12th ed. 2024) (“A remedy, usu. a nonmonetary one such as an injunction or specific performance, obtained when available legal remedies, usu. monetary damages, cannot adequately redress the injury.”).

<sup>22</sup> *Injunction*, BLACK’S LAW DICTIONARY (12th ed. 2024) (“A court order commanding or preventing an action.”). Courts may issue different forms of injunctive relief depending on the circumstances of a case and the status of litigation, including temporary restraining orders (TROs), preliminary injunctions (PIs), injunctions pending appeal, and permanent injunctions. All of those forms of injunctive relief are included in this report to the extent they meet the criteria for a nationwide injunction.

law, regulation, or other policy against *all relevant persons and entities*, whether or not such persons or entities are parties participating in the litigation.<sup>23</sup>

*Nationwide injunction* is not the only term used to describe court orders that block government actions in their entirety. Those orders are also sometimes called universal injunctions, national injunctions, non-party injunctions, non-particularized injunctions, or even cosmic injunctions.<sup>24</sup> Prior to the *CASA* decision, courts and commentators widely used the phrases “nationwide injunction” and “universal injunction,” with “nationwide injunction” appearing to be somewhat more prevalent, particularly in court decisions.<sup>25</sup> Many sources used the terms interchangeably. CRS products on this topic have primarily used the term “nationwide injunction,” particularly when referring to universal relief granted against the *federal* government, and have occasionally used the phrase “universal injunction” when referring to grants of universal relief against *states* or to all universal relief, regardless of whether it halts a federal or state policy.<sup>26</sup>

The Supreme Court majority in *CASA* adopted the term “universal injunction” based on concerns that the term “nationwide injunction” may misleadingly suggest that these injunctions are defined by their geographic scope rather than the entities to which they apply.<sup>27</sup> The Court explained, “[t]he difference between a traditional injunction and a universal injunction is not so much *where* it applies, but *whom* it protects: A universal injunction prohibits the Government from enforcing the law against anyone, anywhere.”<sup>28</sup> The Court did not provide a more detailed definition of “universal injunction,” but its usage of the term appears consistent with other sources discussing this issue.

It is possible that *CASA* will lead to broader consensus around the terminology used to discuss universal relief. For the time being, except when quoting from or discussing other sources, this CRS report continues to use the term “nationwide injunction” because that term is most reflective of CRS’s methodology in identifying these injunctions and consistent with prior CRS products.

## Methodology for Identifying Nationwide Injunctions

A March 2025 CRS report identifies and analyzes nationwide injunctions issued during the first Trump Administration and the Biden Administration.<sup>29</sup> As discussed in more detail in that report, there are several reasons why it is not possible to provide a single definitive count of nationwide

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<sup>23</sup> E.g., Amanda Frost, *In Defense of Nationwide Injunctions*, 93 N.Y.U. L. REV. 1065, 1071 (2018) (defining “nationwide injunction” to refer to “an injunction at any stage of the litigation that bars the defendant from taking action against individuals who are not parties to the lawsuit in a case that is not brought as a class action.”); *Chicago v. Barr*, 961 F.3d 882, 912 (7th Cir. 2020) (defining “nationwide, or universal, injunctions” as “injunctive relief that extends beyond the parties before the court to include third parties.”); *Dep’t of Homeland Sec. v. New York*, 140 S. Ct. 599, 600 (2020) (mem.) (Gorsuch, J., concurring) (defining the term to mean “a court ... ordering the government to take (or not take) some action with respect to those who are strangers to the suit, ...”).

<sup>24</sup> See, e.g., Howard M. Wasserman, *Concepts, Not Nomenclature: Universal Injunctions, Declaratory Judgments, Opinions, and Precedent*, 91 U. COLO. L. REV. 999, 1003–07 (2020). “Nationwide injunction” appeared to be the term most often used by courts before the decision in *CASA* and was also used by a number of commentators. “Universal injunction” was also commonly used in commentary.

<sup>25</sup> See Lampe & Deal, *supra* note 10, at 8–9.

<sup>26</sup> See *id.* at 5–8.

<sup>27</sup> *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*4 n.1 (U.S. June 27, 2025).

<sup>28</sup> *Id.*

<sup>29</sup> See Lampe & Deal, *supra* note 10.

injunctions. Most significantly, *nationwide injunction* is not a legal term with a precise definition, so counts may vary based on the particular definition used.<sup>30</sup> In addition, there are practical challenges in searching for all nationwide injunction cases<sup>31</sup> and methodological choices about how to count the injunctions that fit any given definition.<sup>32</sup>

This report uses the methodology outlined in the March 2025 report. When compiling the list of nationwide injunctions in this report, CRS:

- included only injunctions issued by federal courts;
- included only injunctions against the federal government or federal officials, not injunctions that bind states, state officials, or private parties;
- excluded any class action certified at or before the time of the injunction's issuance<sup>33</sup>;
- excluded any injunction that combined with one or more other injunctions to block a government action in its entirety but that, standing alone, did not do so;
- excluded any injunction that blocked a government action in its entirety with the exception of limited carveouts to defer to other courts<sup>34</sup>;
- included any form of injunctive relief that barred the government from enforcing a policy, such as temporary restraining orders (TROs), preliminary injunctions (PIs), injunctions pending appeal, and permanent injunctions<sup>35</sup>; and
- excluded stays and vacatur of agency actions unless the agencies were also expressly enjoined from implementing the stayed or vacated actions.<sup>36</sup>

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<sup>30</sup> See *id.* at 5–8.

<sup>31</sup> See *id.* at 8–9.

<sup>32</sup> See *id.* at 9–10.

<sup>33</sup> See, e.g., *J.G.G. v. Trump*, No. 1:25-cv-00766, 2025 WL 825115, at \*1 (D.D.C. Mar. 15, 2025), *vacated*, 145 S. Ct. 1003 (2025) (per curiam) (provisionally certifying a class consisting of “[a]ll noncitizens in U.S. custody who are subject to the March 15, 2025, Presidential Proclamation entitled ‘Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua’ and its implementation” and enjoining the government from removing members of such class).

<sup>34</sup> One district court imposed a nationwide injunction during the relevant time period that applied “nationwide including having full force in the District of Columbia pending the outcome of [a related case pending in the U.S. District Court for the District of Columbia], except that this injunction will not supersede any contrary ruling by that Court or any other federal circuit court or district court outside of this Circuit.” *Nat’l Job Corps Ass’n v. Dep’t of Lab.*, No. 1:25-CV-04641-ALC, 2025 WL 1752414, at \*11 (S.D.N.Y. June 25, 2025). Because it appears that those carveouts were hypothetical at the time the order was issued, the case is included in the table. Another district court issued an order enjoining the government defendants “from enforcing the [challenged] Executive Order in any manner with respect to the plaintiffs, and with respect to any individual or entity in any other matter or instance within the jurisdiction of this court, during the pendency of this litigation.” *N.H. Indonesian Cmty. Support v. Trump*, No. 25-CV-38-JL-TSM, 2025 WL 457609, at \*1 (D.N.H. Feb. 11, 2025) (emphasis added), *appeal filed*, No. 25-1348 (1st Cir. Apr. 11, 2025). It is not clear whether that order is intended to be limited in geographic scope but, because the order does not expressly bar enforcement universally, the case is not included in the table.

<sup>35</sup> CRS had not identified any nationwide injunctions pending appeal issued during the second Trump Administration through June 27, 2025. In one decision issued during the relevant date range, a federal appeals court affirmed a district court’s nationwide injunction and remanded with instructions to broaden the injunction. *Missouri v. Trump*, 128 F.4th 979 (8th Cir. 2025). Because that decision involves appellate review of a nationwide injunction originally issued under the Biden Administration, it is not included in the table in this report.

<sup>36</sup> In addition to stays pending judicial review of agency action under the Administrative Procedure Act, ch. 324, 60 Stat. 237 (1946), courts sometimes enter administrative stays to pause initiatives temporarily in time-sensitive emergency litigation. See, e.g., *Dellinger v. Bessent*, No. 25-CV-00385, 2025 WL 450488, at \*1 (D.D.C. Feb. 10, 2025) (“An administrative stay ‘buys the court time to deliberate’: it ‘do[es] not typically reflect the court’s (continued...)”).



To compile the table of cases in this report, CRS searched federal cases in Westlaw for the search terms (“nationwide” OR “nation-wide”) w/3 injunction) for the date range January 20, 2025, through June 27, 2025. CRS then manually reviewed results to find cases that fit the criteria outlined above. In addition, CRS reviewed news reports about nationwide injunctions and third-party websites tracking litigation against actions of the second Trump Administration<sup>37</sup> and included cases that fit the criteria above but did not show up in the Westlaw search. Due to the lack of standardization in nationwide injunction cases, it is possible that there are other cases that fit this report’s criteria for inclusion but were not identified via CRS’s methodology. Moreover, because litigation related to implementation of executive branch policies is rapidly developing, courts could have issued additional nationwide injunctions or stayed, modified, or vacated the listed injunctions after CRS completed its searches.

For purposes of this report, CRS counted nationwide injunctions by case. Each case (or set of consolidated cases) in which at least one nationwide injunction was issued by a federal court at any level is included as a single entry in the table. Some federal government actions were subject to nationwide injunctions in multiple cases and thus are included in the table more than once.

Using the foregoing methodology, and subject to the noted caveats, CRS has identified 34 cases in which federal courts issued nationwide injunctions between January 20, 2025, and June 27, 2025.

## Table of Nationwide Injunction Cases

The following table contains a list of nationwide injunctions issued during the second Trump Administration through the date of the decision in *CASA*—between January 20, 2025, and June 27, 2025. The Caption column in the table contains a citation to the first nationwide injunction that CRS identified in each case. Cases are listed in chronological order based on the date of issuance of the first decision cited. The Main Topic column identifies the subject matter at issue in each case. CRS categorized cases by subject matter manually. While some cases raised multiple legal and policy issues and could potentially be classified in multiple subject areas, CRS selected one primary issue area per case for ease of analysis.

Any additional nationwide injunctions that were issued in each case are included in the Notes column. The Notes column also briefly identifies the government action subject to each nationwide injunction. In some cases, only a part of an executive order, guidance document, or other federal initiative was enjoined, but in each case enforcement of the enjoined portion of the challenged action was barred as to all relevant persons or entities.

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consideration of the merits,’ but instead ‘reflects a first-blush judgment about the relative consequences’ of the case. While administrative stays are more common in appellate courts, district courts have recognized their applicability in cases seeking emergency relief[.]’ (quoting *United States v. Texas*, 144 S. Ct. 797, 798 (2024) (mem.) (Barrett, J., concurring) (citation omitted)). Administrative stays are not included in this report’s count of nationwide injunctions. In one of the cases included in the table, the district court entered an administrative stay before entering a TRO. *Nat’l Council of Nonprofits v. Off. of Mgmt. and Budget*, 763 F. Supp. 3d 13 (D.D.C. 2025). That case is listed in the table based on the date of entry of the TRO.

<sup>37</sup> *Litigation Tracker: Legal Challenges to Trump Administration Actions*, JUST SECURITY (July 7, 2025), <https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/> [https://perma.cc/US8R-5RH5]; *Trump’s Legal Battles*, LAW360 (July 7, 2025), <https://www.law360.com/trump-legal-challenges> [https://perma.cc/PN4R-W6RY]; *Tracking Trump in Court: The Scope of Executive Power Tested*, BLOOMBERG LAW (June 27, 2025), <https://news.bloomberglaw.com/litigation/tracking-trump-in-court-the-scope-of-executive-power-tested-1> [https://perma.cc/4JXU-HLY8].



The government has filed appeals in many of the listed cases, including but not limited to the three cases that were before the Supreme Court in *CASA*.<sup>38</sup> It may also seek modification of existing nationwide injunctions in light of the *CASA* decision.<sup>39</sup> While it is likely that *CASA* will lead to reconsideration and possible modification of some of the nationwide injunctions identified in the table, full analysis of the impact of *CASA* on these cases is outside the scope of this report. The table notes additional nationwide injunctions in each case and identifies selected relevant Supreme Court proceedings in footnotes. The table does not include other subsequent history, such as clarifying orders or stays issued by district courts or reviewing appellate courts.

**Table I. Nationwide Injunctions Between January 20, 2025, and June 27, 2025**

	Caption	Main Topic	Notes
1	Washington v. Trump, 764 F. Supp. 3d 1050 (W.D. Wash. 2025)	Birthright Citizenship	Temporary restraining order (TRO) against Exec. Order No. 14,160, Protecting the Meaning and Value of American Citizenship; preliminary injunction (PI) entered 765 F. Supp. 3d 1142 (W.D. Wash. 2025) <sup>40</sup>
2	Nat'l Council of Nonprofits v. Off. of Mgmt. & Budget, 763 F. Supp. 3d 36 (D.D.C. Feb. 3, 2025)	Federal Funding	TRO against Office of Management and Budget memorandum directing federal agencies to pause “financial assistance for foreign aid, nongovernmental organizations, [Diversity, Equity, and Inclusion (DEI)], woke gender ideology, and the green new deal”; PI entered 2025 WL 597959 (D.D.C. Feb. 25, 2025) <sup>41</sup>
3	CASA, Inc. v. Trump, 763 F. Supp. 3d 723 (D. Md. 2025)	Birthright Citizenship	PI against Exec. Order No. 14,160, Protecting the Meaning and Value of American Citizenship <sup>42</sup>
4	New York v. Trump, 765 F. Supp. 3d 284 (S.D.N.Y. 2025)	Information Disclosure	TRO against Department of the Treasury policy expanding access to the payment systems of the Bureau of Fiscal Services to political appointees and “special government employees”; PI entered 767 F. Supp. 3d 44 (S.D.N.Y. 2025)

<sup>38</sup> Courts have granted or denied stays of some of the listed injunctions. *See, e.g.*, Am. Fed’n of Gov’t Emps. v. Off. of Pers. Mgmt., No. 25-1677, 2025 WL 835337 (9th Cir. Mar. 17, 2025) (denying stay pending appeal); Off. of Pers. Mgmt. v. Am. Fed’n of Gov’t Emps., No. 24A904, 2025 WL 1035208 (U.S. Apr. 8, 2025) (mem.) (granting stay). A ruling on a request to stay an injunction does not constitute a final determination of the validity of the injunction or the underlying merits of the case but may involve a preliminary assessment of the merits of the case. *See, e.g.*, Nken v. Holder, 556 U.S. 418, 434 (2009) (listing factors that govern a request for a stay).

<sup>39</sup> *See, e.g.*, Haisten Willis, *White House Says ‘Every’ Nationwide Injunction to Be Revisited*, WASH. EXAMINER (July 2, 2025), <https://www.washingtonexaminer.com/news/white-house/3458495/white-house-trump-every-nationwide-injunction-revisited-supreme-court/> [<https://perma.cc/6VWV-7KXA>].

<sup>40</sup> The government filed an emergency application for a partial stay of the nationwide injunction in this case, asking the Supreme Court to limit the scope of the injunction, and the Supreme Court granted the stay in part. *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*15 (U.S. June 27, 2025).

<sup>41</sup> Before entering a TRO in this case, the district court entered an administrative stay. *Nat’l Council of Nonprofits v. Off. of Mgmt. and Budget*, 763 F. Supp. 3d 13 (D.D.C. 2025).

<sup>42</sup> The government filed an emergency application for a partial stay of the nationwide injunction in this case, asking the Supreme Court to limit the scope of the injunction, and the Supreme Court granted the stay in part. *CASA*, 2025 WL 1773631, at \*15.

	Caption	Main Topic	Notes
5	Ass'n of Am. Medical Colls. v. Nat'l Insts. of Health, No. 25-CV-10340, 2025 WL 444253 (D. Mass. Feb. 10, 2025)	Federal Funding	TRO against National Institutes of Health Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates (NOT-OD-25-068) related to grants for biomedical research; PI entered <i>sub nom.</i> Massachusetts v. Nat' Insts. of Health, 770 F. Supp. 3d 277 (D. Mass. 2025)
6	AIDS Vaccine Advocacy Coal. v. U.S. Dep't of State, 766 F. Supp. 3d 74 (D.D.C. Feb. 13, 2025)	Federal Funding	TRO against Exec. Order No. 14,169, Reevaluating and Realigning United States Foreign Aid <sup>43</sup> ; PI entered 770 F. Supp. 3d 121 (D.D.C. 2025)
7	Doe v. Trump, 766 F. Supp. 3d 266 (D. Mass. 2025)	Birthright Citizenship	PI against Exec. Order No. 14,160, Protecting the Meaning and Value of American Citizenship <sup>44</sup>
8	PFLAG, Inc. v. Trump, 766 F. Supp. 3d 535 (D. Md. 2025)	Federal Funding	TRO against Exec. Order No. 14,168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, and Exec. Order No. 14,187, Protecting Children from Chemical and Surgical Mutilation; PI entered 769 F. Supp. 3d 405 (D. Md. 2025)
9	Nat'l Ass'n of Diversity Officers in Higher Educ. v. Trump, 767 F. Supp. 3d 243 (D. Md. 2025)	DEI	PI against Exec. Order No. 14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing, and Exec. Order No. 14,173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity
10	Pacito v. Trump, 768 F. Supp. 3d 1199 (W.D. Wash. 2025)	Immigration	PI against Exec. Order No. 14,163, Realigning the United States Refugee Admissions Program; additional PI against termination of funding agreements; PI entered 772 F. Supp. 3d 1204 (W.D. Wash. 2025)

<sup>43</sup> After the defendants in this case allegedly failed to comply with the TRO, the district court issued an order granting enforcement of the TRO. *AIDS Vaccine Advoc. Coal. v. U.S. Dept. of State*, 768 F. Supp. 3d 1 (D.D.C. 2025). The government sought review and a stay of the order of enforcement from the Supreme Court. Chief Justice Roberts entered an administrative stay and referred the matter to the full Court, which ultimately denied the application, vacated the administrative stay, and remanded to the district court for further proceedings. *U.S. Dep't of State v. AIDS Vaccine Advocacy Coal.*, 145 S. Ct. 753 (2025) (mem.).

<sup>44</sup> The district court held that a nationwide injunction was not necessary to protect the individual and nonprofit organization plaintiffs in these consolidated cases but was necessary to provide complete relief to the state plaintiffs. *See Trump*, 766 F. Supp. 3d 266, 287–88, *remanded*, No. 25-1169, 2025 WL 1833522 (1st Cir. July 3, 2025). The government filed an emergency application for a partial stay of the nationwide injunction in this case, asking the Supreme Court to limit the scope of the injunction, and the Supreme Court granted the stay in part. *CASA*, 2025 WL 1773631, at \*15.

	Caption	Main Topic	Notes
11	<i>Am. Fed'n of Gov't Emps., AFL-CIO v. Off. of Pers. Mgmt.</i> , No. C 25-01780 WHA, 2025 WL 660053 (N.D. Cal. Feb. 28, 2025)	Federal Employment	TRO against Office of Personnel Management memorandum and other actions related to termination of probationary federal employees; PI entered 770 F. Supp. 3d 1215 (N.D. Cal. 2025) <sup>45</sup>
12	<i>Maryland v. U.S. Dep't of Agric.</i> , 770 F. Supp. 3d 779 (D. Md. 2025)	Federal Employment	TRO against termination of probationary federal employees <sup>46</sup>
13	<i>Am. Ass'n of Colleges for Teacher Educ. v. McMahon</i> , 770 F. Supp. 3d 822 (D. Md. 2025)	Federal Funding	PI against termination of certain funding awards by the Department of Education <sup>47</sup>
14	<i>Talbott v. United States</i> , No. 25-cv-00240, 2025 WL 842332 (D.D.C. Mar. 18, 2025)	Military Service	PI against Exec. Order No. 14,183, Prioritizing Military Excellence and Readiness
15	<i>Am. Fed'n of State, Cnty. &amp; Municipal Emps., AFL-CIO v. Social Sec. Admin.</i> , 771 F. Supp. 3d 717 (D. Md. 2025)	Information Disclosure	TRO against Social Security Administration (SSA) decision to provide individuals affiliated with the Department of Government Efficiency with access to certain SSA records; PI entered 2025 WL 1141737 (D. Md. Apr. 17, 2025) <sup>48</sup>
16	<i>Mass. Fair Hous. Ctr. v. U.S. Dep't of Hous. &amp; Urb. Dev.</i> , No. 25-30041-RGS, 2025 WL 941380 (D. Mass. Mar. 26, 2025)	Federal Funding	TRO against termination of certain funding awards by the Department of Housing and Urban Development <sup>49</sup>
17	<i>Chicago Women in Trades v. Trump</i> , 773 F. Supp. 3d 592 (N.D. Ill. 2025)	Federal Funding	TRO against Exec. Order No. 14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing, and Exec. Order No. 14,173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity; PI entered 2025 WL 1114466 (N.D. Ill. Apr. 14, 2025)

<sup>45</sup> The government appealed this nationwide injunction, and the Supreme Court stayed the injunction “pending the disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought.” *Off. of Pers. Mgmt. v. Am. Fed’n of Gov’t Emps., AFL-CIO*, No. 24A904, 2025 WL 1035208, at \*1 (U.S. Apr. 8, 2025) (mem.).

<sup>46</sup> The district court in this case later entered a PI limited to affected federal employees in the plaintiff states. *Maryland v. U.S. Dept. of Agric.*, No. CV JKB-25-0748, 2025 WL 973159 (D. Md. Apr. 1, 2025), *appeal filed*, No. 25-1338 (4th Cir. Apr. 3, 2025).

<sup>47</sup> Part of the PI in this case applied only to the plaintiffs, but the court also ordered the government not to “undertake to terminate, or terminate, any [Teacher Quality Partnership Program], [Supporting Effective Educator Development Program], and [Teacher and School Leader Incentive Program] awards in a manner this court has determined is likely unlawful as violative of the APA as described herein.” *Am. Ass’n of Colleges for Teacher Educ.*, 770 F. Supp. 3d at 861, *reconsideration denied*, No. 1:25-CV-00702-JRR, 2025 WL 863319 (D. Md. Mar. 19, 2025).

<sup>48</sup> The government filed an emergency application for a stay of the nationwide injunction in this case, and the Supreme Court granted the stay. *Soc. Sec. Admin. v. Am. Fed’n of State, Cnty. & Mun. Emps.*, 145 S. Ct. 1626 (2025) (mem.).

<sup>49</sup> Part of the TRO in this case applied only to the plaintiffs, but the court also enjoined the government from, among other things, “terminating any [Fair Housing Initiatives Program] grant,” except as authorized by law. *Mass. Fair Hous. Ctr.*, 2025 WL 941380, at \*2.

	Caption	Main Topic	Notes
18	Shilling v. United States, 773 F. Supp. 3d 1069 (W.D. Wash. 2025)	Military Service	PI against Exec. Order No. 14,183, Prioritizing Military Excellence and Readiness and related guidance <sup>50</sup>
19	D.V.D. v. U.S. Dep’t of Homeland Sec., No. 25-10676-BEM, 2025 WL 942948 (D. Mass. Mar. 28, 2025)	Immigration	TRO against removal of non-citizens to countries not included on their removal orders without notice and an opportunity to contest the removal <sup>51</sup>
20	Nat’l Treasury Emps. Union v. Vought, No. 25-0381, 2025 WL 942772 (D.D.C. Mar. 28, 2025)	Federal Agencies	PI against elimination of the Consumer Financial Protection Bureau <sup>52</sup>
21	Widakuswara v. Lake, No. 25-CV-2390, 2025 WL 945869 (S.D.N.Y. Mar. 28, 2025)	Federal Agencies	TRO against Exec. Order No. 14,238, Continuing the Reduction of the Federal Bureaucracy, and related actions reducing staff and functions of the U.S. Agency for Global Media (USAGM); PI entered following transfer 2025 WL 1166400 (D.D.C. Apr. 22, 2025)
22	Comty. Legal Servs. in East Palo Alto v. U.S. Dep’t of Health and Human Servs., No. 25-cv-02847-AMO, 2025 WL 973318 (N.D. Cal. Apr. 1, 2025)	Federal Funding	TRO against termination of funding for direct legal representation services for unaccompanied children in immigration proceedings; PI entered 2025 WL 1233674 (N.D. Cal. Apr. 29, 2025)
23	Woonasquatucket River Watershed Council v. U.S. Dep’t of Agric., No. 1:25-cv-00097-MSM-PAS, 2025 WL 1116157 (D.R.I. Apr. 15, 2025)	Federal Funding	PI against OMB Memorandum M-25-111 pausing disbursement of funding appropriated under the Inflation Reduction Act or the Infrastructure Investment and Jobs Act
24	Ass’n of Am. Univs. v. Dep’t of Energy, No. 25-cv-10912-ADB, 2025 WL 1119791 (D. Mass. Apr. 16, 2025)	Federal Funding	TRO against DOE Policy Flash: Adjusting Department of Energy Grant Policy for Institutions of Higher Education; PI entered 2025 WL 1414135 (D. Mass. May 15, 2025)
25	League of United Latin Am. Citizens v. Exec. Off. of the President, No. 25-0946, 2025 WL 1187730 (D.D.C. Apr. 24, 2025)	Elections	PI against Exec. Order No. 14,248, Preserving and Protecting the Integrity of American Elections <sup>53</sup>

<sup>50</sup> The government appealed the nationwide injunction in this case and sought a stay from the Supreme Court. Application for Stay of Injunction, United States v. Shilling, No. 24A1030 (U.S. Apr. 24, 2025). The Supreme Court granted a stay pending appeal. United States v. Shilling, No. 24A1030, 2025 WL 1300282 (U.S. May 6, 2025) (mem.).

<sup>51</sup> The district court later granted class certification and granted a PI as to the class. D.V.D. v. U.S. Dept. of Homeland Sec., No. CV 25-10676-BEM, 2025 WL 1142968 (D. Mass. Apr. 18, 2025), *appeal filed*, No. 25-1393 (1st Cir. Apr. 22, 2025). The government filed an emergency application for a stay, and the Supreme Court stayed the PI pending appeal. Dep’t of Homeland Sec. v. D.V.D., 145 S. Ct. 2153 (2025) (mem.).

<sup>52</sup> The district court later entered an order that did not expressly enjoin additional conduct by the government but provided that a planned reduction in force “is SUSPENDED and it may NOT be implemented, effectuated, or completed in any way until this Court has ruled on plaintiffs’ motion to enforce the preliminary injunction” and that “the defendants are PROHIBITED from discontinuing any employee’s access to work systems, including email and internal platforms until this Court has ruled on plaintiffs’ motion.” *Nat’l Treas. Employees Union*, 2025 WL 1144646, at \*3–4, *appeal dismissed*, Nos. 25-5091, No. 25-5132 (D.C. Cir. May 12, 2025).

<sup>53</sup> The district court stated that its “injunction is neither ‘nationwide’ nor ‘universal’” and “is a remedy tailored to the irreparable harm that Plaintiffs in these consolidated [cases] would suffer in the absence of an injunction.” *League of* (continued...)

	Caption	Main Topic	Notes
26	Am. Library Ass'n v. Sonderling, No. 1:25-cv-01050, 2025 WL 1262054 (D.D.C. May 1, 2025)	Federal Agencies	TRO against shutting down the Institute of Museum and Library Services (IMLS) and termination of IMLS grants and contracts pursuant to Exec. Order No. 14,238, Continuing the Reduction of the Federal Bureaucracy
27	Rhode Island v. Trump, No. 1:25-cv-128-JJM-LDA, 2025 WL 1303868 (D.R.I. May 6, 2025)	Federal Agencies	PI against reduction in operations of IMLS, the Minority Business Development Agency, and the Federal Mediation and Conciliation Service pursuant to Exec. Order No. 14,238, Continuing the Reduction of the Federal Bureaucracy
28	Am. Fed'n of Gov't Emps., AFL-CIO v. Trump, No. 3:25-CV-03698-SI, 2025 WL 1358477 (N.D. Cal. May 9, 2025)	Federal Agencies	TRO against Exec. Order 14,210, Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative; PI entered 2025 WL 1482511 (N.D. Cal. May 22, 2025) <sup>54</sup>
29	N. Am.'s Building Trades Union v. U.S. Dep't of Defense, No. 1:25-cv-01070, 2025 WL 1423610 (D.D.C. May 16, 2025)	Federal Contracting	PI against Department of Defense and General Services Administration memoranda exempting certain construction projects from requirement that contractors negotiate project labor agreements with labor unions <sup>55</sup>
30	Doe v. Trump, No. 25-CV-03140-JSW, 2025 WL 1467543 (N.D. Cal. May 22, 2025)	Immigration	PI against changes to F-I visa records contained in the Student and Exchange Visitor Information System
31	New York v. McMahon, No. 25-10601-MJJ, 2025 WL 1463009 (D. Mass. May 22, 2025)	Federal Agencies	PI against reduction in force at the Department of Education <sup>56</sup>
32	Schiff v. Off. of Personnel Mgmt., No. 1:25-CV-10595, 2025 WL 1481997 (D. Mass. May 23, 2025)	First Amendment	PI against removal of articles from Agency for Healthcare Research and Quality patient-safety website
33	V.O.S. Selections, Inc. v. United States, 772 F. Supp. 3d 1350 (Ct. of Int'l Trade 2025)	Tariffs	Permanent injunction against imposition of certain tariffs under the International Emergency Economic Powers Act of 1977

*United Latin Am. Citizens*, 2025 WL 1187730, at \*59. The court's order fits this report's definition of "nationwide injunction" because it fully prohibits enforcement of portions of the challenged executive order.

<sup>54</sup> The government filed two emergency applications for stays with the Supreme Court. Application for Stay, *Trump v. Am. Fed'n of Gov't Emps.*, No. 24A1106 (U.S. May 16, 2025); Application for Stay, *Trump v. Am. Fed'n of Gov't Emps.*, No. 24A1174 (U.S. June 2, 2025). The May 16 application was withdrawn on May 27, 2025. The Court granted the June 2 application. *Trump v. Am. Fed'n of Gov't Emps.*, No. 24A1174, 2025 WL 1873449 (mem.) (U.S. July 8, 2025).

<sup>55</sup> The district court's opinion referred to Administrative Procedure Act (APA) vacatur when discussing the appropriate scope of relief but elsewhere stated that it was granting the motion for "a preliminary injunction to prevent enforcement of the agencies' memoranda while the case proceeds."

<sup>56</sup> The government filed an emergency application for a stay with the Supreme Court, and the Court granted the application. *McMahon v. New York*, No. 24A1203, 2025 WL 1922626 (mem.) (U.S. July 14, 2025).

	Caption	Main Topic	Notes
34	Nat'l Job Corps Ass'n v. Dep't of Lab., No. 1:25-cv-04641-ALC, 2025 WL 1577843 (S.D.N.Y. June 4, 2025)	Federal Programs	TRO against closure of privately operated Federal Job Corps Program training centers; PI entered 2025 WL 1752414 (S.D.N.Y. June 25, 2025) <sup>57</sup>

Source: CRS.

## Trump v. CASA, Inc.

On June 27, 2025, in *Trump v. CASA, Inc.*, the Supreme Court held that the Judiciary Act of 1789 does not authorize nationwide injunctions that reach more broadly than needed to provide complete relief to parties to each case, but it left open several potential avenues for litigants to seek universal relief.<sup>58</sup>

The substantive legal issue in the consolidated cases in *CASA* concerned the validity of the Birthright Citizenship E.O., which provides that the protections afforded to individuals under the Citizenship Clause of the Fourteenth Amendment, known as birthright citizenship, shall not apply to certain individuals born in the United States to specified categories of alien parents.<sup>59</sup> The Supreme Court litigation in *CASA* focused solely on a procedural question: whether the trial courts erred in entering nationwide injunctions against enforcement of the Birthright Citizenship E.O. and barring enforcement of the E.O. against all relevant persons.<sup>60</sup> With that question resolved, the cases will now return to the district courts for consideration of the proper scope of injunctive relief in each case.<sup>61</sup> Substantive challenges to the E.O. remain pending in the consolidated cases in *CASA* and other cases.<sup>62</sup>

## Birthright Citizenship E.O.

The Citizenship Clause provides, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”<sup>63</sup> In general, the provision has historically been understood to grant citizenship to all children born on U.S. soil, subject to limited exceptions.<sup>64</sup> The Supreme Court has interpreted the phrase “subject to the jurisdiction [of the United States]” to mean that the government can deny U.S. citizenship only to certain categories of persons born in the United States, such as children

<sup>57</sup> The district court imposed a PI that applied “nationwide including having full force in the District of Columbia pending the outcome of [a related case pending in the U.S. District Court for the District of Columbia], except that this injunction will not supersede any contrary ruling by that Court or any other federal circuit court or district court outside of this Circuit.” *Nat'l Job Corps Ass'n v. Dep't of Lab.*, No. 1:25-cv-04641-ALC, 2025 WL 1752414, at \*11 (S.D.N.Y. June 25, 2025). Because it appears those carveouts were hypothetical at the time the order was issued, the case is included in the table.

<sup>58</sup> *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*15 (U.S. June 27, 2025).

<sup>59</sup> 90 Fed. Reg. 8449 (Jan. 20, 2025).

<sup>60</sup> *CASA*, No. 24A884, 2025 WL 1773631, at \*4.

<sup>61</sup> *Id.* at \*15.

<sup>62</sup> See, e.g., *Barbara v. Trump*, No. 25-cv-244-JL-AJ, 2025 WL 1904338 (D.N.H. July 10, 2025) (provisionally certifying a class of all infants affected by the Birthright Citizenship E.O. and issuing a class-wide PI). For general information on suits against the second Trump Administration, including challenges to the Birthright Citizenship E.O., see discussion *supra* note 37.

<sup>63</sup> U.S. CONST. amend. XIV, § 1, cl. 1.

<sup>64</sup> See generally Cong. Rsch. Serv., *Citizenship Clause Doctrine*, CONSTITUTION ANNOTATED, [https://constitution.congress.gov/browse/essay/amdt14-S1-1-2/ALDE\\_00000812/](https://constitution.congress.gov/browse/essay/amdt14-S1-1-2/ALDE_00000812/) (last visited July 7, 2025).



born to foreign diplomatic agents and children of members of Indian tribes subject to tribal laws.<sup>65</sup>

Section 301 of the Immigration and Nationality Act (INA) closely tracks the language of the Citizenship Clause, providing that any “person born in the United States, and subject to the jurisdiction thereof,” is a “national[ ] and citizen[ ] of the United States at birth.”<sup>66</sup> Section 301 also grants citizenship at birth to additional categories of persons, including children born in the United States to members of Indian tribes.<sup>67</sup>

On January 20, 2025, soon after taking office, President Trump issued the Birthright Citizenship E.O.<sup>68</sup> Section 1 of the E.O. says, “The Fourteenth Amendment has always excluded from birthright citizenship persons who were born in the United States but not ‘subject to the jurisdiction thereof.’”<sup>69</sup> It then states:

Among the categories of individuals born in the United States and not subject to the jurisdiction thereof, the privilege of United States citizenship does not automatically extend to persons born in the United States: (1) when that person’s mother was unlawfully present in the United States and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth, or (2) when that person’s mother’s presence in the United States at the time of said person’s birth was lawful but temporary (such as, but not limited to, visiting the United States under the auspices of the Visa Waiver Program or visiting on a student, work, or tourist visa) and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth.<sup>70</sup>

Section 2 of the E.O. declares it to be the policy of the United States that no federal department or agency “shall issue documents recognizing United States citizenship, or accept documents issued by State, local, or other governments or authorities purporting to recognize United States citizenship” of any person who is born 30 days or more after the date of the E.O. and falls within either of the two categories above.<sup>71</sup> Section 3 of the Birthright Citizenship E.O. directs the Secretary of State, the Attorney General, the Secretary of Homeland Security, and the commissioner of Social Security to enforce the E.O. and requires all executive departments and agencies to issue public guidance on the order’s implementation within 30 days.<sup>72</sup>

## District Court Litigation

Multiple individuals, states, and organizations sued the federal government to challenge the legality of the Birthright Citizenship E.O., and three of those cases reached the Supreme Court. The lead case, *Trump v. CASA, Inc.*, was originally filed in the U.S. District Court for the District of Maryland by five pregnant women and two nonprofit immigrant-rights organizations with members in all 50 states.<sup>73</sup> *Trump v. Washington* involves two consolidated challenges filed in the U.S. District Court for the Western District of Washington, one by a group of states led by Washington and one by a putative class of pregnant persons whose children might be affected by

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<sup>65</sup> See, e.g., *United States v. Wong Kim Ark*, 169 U.S. 649 (1898); *Elk v. Wilkins*, 112 U.S. 94 (1884).

<sup>66</sup> 8 U.S.C. § 1401.

<sup>67</sup> *Id.* § 1401(b).

<sup>68</sup> Exec. Order No. 14,160, 90 Fed. Reg. 8449 (Jan. 20, 2025).

<sup>69</sup> *Id.* at 8449.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.* at 8449–50.

<sup>73</sup> See *CASA, Inc. v. Trump*, 763 F. Supp. 3d 723, 729–30 (D. Md. Feb. 5, 2025).



the E.O.<sup>74</sup> *Trump v. New Jersey* was commenced in the U.S. District Court for the District of Massachusetts by 17 states, the District of Columbia, and the City and County of San Francisco and was consolidated with a case filed by an individual expectant mother and two nonprofit associations.<sup>75</sup> The plaintiffs in each case argue that the Birthright Citizenship E.O. violates the Fourteenth Amendment, Supreme Court precedent interpreting the amendment, and the INA.<sup>76</sup>

The district courts in all three cases granted nationwide injunctions barring enforcement of the Birthright Citizenship E.O. In the Washington case, the district court issued a January 23, 2025, TRO blocking enforcement of the E.O. for a limited time.<sup>77</sup> On February 6, 2025, the same court issued a PI extending the bar on enforcement of the E.O.<sup>78</sup> The court held that the plaintiffs were likely to prevail on their challenge to the E.O. and had shown that injunctive relief was necessary to prevent irreparable harm.<sup>79</sup> It further held that a nationwide injunction was required because the government had no valid interest in enforcing an unconstitutional policy, the E.O. arrogated power from Congress to the executive branch, and a more limited injunction would be ineffective and unworkable.<sup>80</sup>

In the Maryland litigation, the court granted a preliminary injunction on February 5, 2025.<sup>81</sup> The court held that the plaintiffs were likely to succeed on the merits of their claims because “[t]he President’s novel interpretation of the Citizenship Clause contradicts the plain language of the Fourteenth Amendment and conflicts with 125-year-old binding Supreme Court precedent” and that “denial of the precious right to citizenship for any period of time will cause [the plaintiffs] irreparable harm,” including rendering some of the individual plaintiffs’ children stateless.<sup>82</sup> The court held that a nationwide injunction was warranted because “[o]nly a nationwide injunction will provide complete relief to the plaintiffs” and because the Birthright Citizenship E.O. is a “categorical policy” that “concerns citizenship—a national concern that demands a uniform policy.”<sup>83</sup>

In the Massachusetts case, the district court granted a preliminary injunction against the Birthright Citizenship E.O. on February 13, 2025.<sup>84</sup> The court held that, under the plain language of the Fourteenth Amendment “as interpreted by the Supreme Court more than a century ago and routinely applied by all branches of government since then,” the plaintiffs’ challenges to the E.O. were “nearly certain to prevail.”<sup>85</sup> The court held that the individual and nonprofit plaintiffs in that case had not demonstrated the need for a nationwide injunction and that a more limited injunction would suffice to protect them.<sup>86</sup> With respect to the state plaintiffs, however, the court

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<sup>74</sup> See *Washington v. Trump*, 765 F. Supp. 3d 1142, 1147 (W.D. Wash. Feb. 6, 2025).

<sup>75</sup> See *Doe v. Trump*, 766 F. Supp. 3d 266, 273–74 (D. Mass. 2025), *remanded*, No. 25-1169 (1st Cir. July 3, 2025).

<sup>76</sup> *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*5 (U.S. June 27, 2025).

<sup>77</sup> *Washington v. Trump*, No. C25-0127-JCC, 2025 WL 272198 (W.D. Wash. Jan. 23, 2025).

<sup>78</sup> *Washington*, 765 F. Supp. 3d 1142.

<sup>79</sup> *Id.* at 1149–53.

<sup>80</sup> *Id.* at 1153–54.

<sup>81</sup> *CASA, Inc. v. Trump*, 763 F. Supp. 3d 723 (D. Md. Feb. 5, 2025).

<sup>82</sup> *Id.* at 733, 744.

<sup>83</sup> *Id.* at 746.

<sup>84</sup> *Doe v. Trump*, 766 F. Supp. 3d 266 (D. Mass. Feb. 13, 2025).

<sup>85</sup> *Id.* at 278.

<sup>86</sup> *Id.* at 287–88.

held that they had “identified harms that do not hinge on the citizenship status of one child, or even of all children born within their borders,” such that a nationwide injunction was warranted.<sup>87</sup>

Additional challenges to the Birthright Citizenship E.O. are pending in the lower federal courts but were not before the Supreme Court in *CASA*.<sup>88</sup>

## Appellate Litigation

The government appealed the three nationwide injunctions against the Birthright Citizenship E.O. and filed an emergency motion for a partial stay with the appeals court in each case.<sup>89</sup> The government sought to stay only the nationwide scope of each injunction, which would have allowed the executive branch to implement the Birthright Citizenship E.O. with respect to persons other than the plaintiffs in each case while the litigation was pending. Because district courts in three different circuits had entered nationwide injunctions against the E.O., the government would have had to prevail on all three stay motions before it could enforce the order against any non-plaintiffs. The U.S. Courts of Appeals for the First, Fourth, and Ninth Circuits all denied the government’s stay motions.<sup>90</sup>

The government then sought emergency relief from the Supreme Court, filing substantially similar applications in all three cases on March 13, 2025, seeking a partial stay of each of the three nationwide injunctions.<sup>91</sup> Chief among the government’s arguments were claims that nationwide injunctions exceed the federal courts’ equitable power by granting relief to persons who are not parties to the cases and that they conflict with Supreme Court precedent holding that Article III of the Constitution limits judicial relief to parties with *standing*—that is, persons with a concrete, personal interest in the dispute.<sup>92</sup> As was the case before the circuit courts, the government’s Supreme Court applications challenged only the scope of the injunctions in these cases and did not address the underlying substantive question of the legality of the Birthright Citizenship E.O.

The Supreme Court ordered the parties challenging the Birthright Citizenship E.O. to respond to the stay applications.<sup>93</sup> After receiving full briefing on the stay applications, the Supreme Court consolidated the three cases and held oral argument on May 15, 2025.<sup>94</sup> In a sitting lasting over two hours, the Justices weighed legal and practical objections to nationwide injunctions against concerns that limits on those injunctions might hinder the courts’ ability to review and curb unlawful executive action.<sup>95</sup>

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<sup>87</sup> *Id.* at 288.

<sup>88</sup> *See, e.g.,* N.H. Indonesian Cmty. Support v. Trump, No. 1:25-cv-38-JL-TSM, 2025 WL 440821 (D.N.H. Feb. 10, 2025); *see generally supra* note 37.

<sup>89</sup> A stay is a court order that temporarily pauses a different court order or other government action. *See Stay*, BLACK’S LAW DICTIONARY (12th ed. 2024).

<sup>90</sup> *See* New Jersey v. Trump, 131 F.4th 27 (1st Cir. Mar. 11, 2025); *CASA, Inc. v. Trump*, No. 25-1153, 2025 WL 654902 (4th Cir. Feb. 28, 2025); *Washington v. Trump*, No. 25-807, 2025 WL 553485 (9th Cir. Feb. 19, 2025).

<sup>91</sup> *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*5 (U.S. June 27, 2025).

<sup>92</sup> *See id.* at \*5, \*6 n.4. For more information on standing, see Cong. Rsch. Serv., *Overview of Standing*, CONSTITUTION ANNOTATED, [https://constitution.congress.gov/browse/essay/artIII-S2-C1-6-1/ALDE\\_00012992/](https://constitution.congress.gov/browse/essay/artIII-S2-C1-6-1/ALDE_00012992/) (last visited July 7, 2025).

<sup>93</sup> Order, *Trump v. CASA, Inc.*, No. 24A884 (U.S. Mar. 14, 2025).

<sup>94</sup> Transcript of Oral Argument, *Trump v. CASA, Inc.*, No. 24A884 (U.S. May 15, 2025).

<sup>95</sup> *See id.*

## Supreme Court Decision

The Supreme Court issued its decision in *CASA* on June 27, 2025.<sup>96</sup> While the federal government’s stay applications in these cases raised both statutory and constitutional challenges to nationwide injunctions, the Court declined to reach the constitutional question, limiting its opinion to the statutory interpretation question of “whether Congress has granted federal courts the authority to universally enjoin the enforcement of an executive or legislative policy.”<sup>97</sup> Writing for a six-Justice majority, Justice Barrett held that universal injunctions “likely exceed the equitable authority that Congress has granted to federal courts.”<sup>98</sup>

In considering federal courts’ statutory authority to issue universal injunctive relief, the Court looked to the Judiciary Act of 1789, which granted federal courts jurisdiction over “all suits ... in equity.”<sup>99</sup> Interpreting that grant of authority, the Supreme Court has held that “the equity jurisdiction of the federal courts is the jurisdiction in equity exercised by the High Court of Chancery in England at the time of the adoption of the Constitution and the enactment of the original Judiciary Act, 1789.”<sup>100</sup> Surveying the history of universal injunctions, the *CASA* Court stated that traditionally, “suits in equity were brought by and against individual parties,” and “universal injunctions were not a feature of federal-court litigation until sometime in the 20th century.”<sup>101</sup> The Court rejected the proposition that historical equitable remedies such as the bill of peace, which resolved claims of groups of people with shared interests, provided a precedent for universal injunctions.<sup>102</sup> Thus, the Court found that universal injunctions did not exist in the English Court of Chancery at the time of the Founding and that no Founding-era procedure was sufficiently analogous to modern universal injunctions to justify their issuance under the First Judiciary Act.<sup>103</sup>

The Court then turned to the proposition that universal injunctions are appropriate when needed to provide complete relief to the parties before the court. The Court “agree[d] that the complete-relief principle has deep roots in equity” but held that the principle cannot justify awards of relief to nonparties.<sup>104</sup> Thus, the Court explained, a court may enjoin a nuisance in its entirety if needed to protect a plaintiff bringing a noise complaint, even if the injunction incidentally benefits the plaintiff’s neighbors who dislike the noise but did not file suit.<sup>105</sup> However, such an injunction’s “protection extends only to the suing plaintiff—as evidenced by the fact that only the plaintiff can enforce the judgment against the defendant responsible for the nuisance” via contempt proceedings.<sup>106</sup>

Applying this principle to the matters before it, the Court rejected the individual and associational plaintiffs’ arguments that a universal injunction was required to provide them with complete relief, stating that, in the cases at bar, “prohibiting enforcement of the Executive Order against the

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<sup>96</sup> *CASA*, 2025 WL 1773631.

<sup>97</sup> *Id.* at \*5; *see also id.* at \*6 n.4.

<sup>98</sup> *Id.* at \*4. As noted, the Court preferred the term “universal injunction” over “nationwide injunction,” *see id.* at \*4 n.1, so this discussion of the Court’s opinion also adopts that term.

<sup>99</sup> Ch. 20, § 11, 1 Stat. 73, 78.

<sup>100</sup> *Grupo Mexicano de Desarrollo, SA v. All. Bond Fund, Inc.*, 527 U.S. 308, 318 (1999).

<sup>101</sup> *CASA*, 2025 WL 1773631, at \*6.

<sup>102</sup> *Id.* at \*9–10.

<sup>103</sup> *Id.* at \*13.

<sup>104</sup> *Id.* at \*10.

<sup>105</sup> *Id.* at \*11.

<sup>106</sup> *Id.*

child of an individual pregnant plaintiff will give that plaintiff complete relief.”<sup>107</sup> By contrast, the Court determined that the “complete-relief inquiry is more complicated for the state respondents,” because those respondents asserted that “a universal injunction was necessary to provide the States themselves with complete relief.”<sup>108</sup> Emphasizing that the government contended that a narrower injunction could adequately protect the states, the Court declined to resolve the dispute in the first instance, instead directing the lower courts to “determine whether a narrower injunction is appropriate.”<sup>109</sup>

The Court thus granted the government’s application for a stay “only to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue” and “to the extent that [the injunctions] prohibit executive agencies from developing and issuing public guidance about the Executive’s plans to implement the Executive Order.”<sup>110</sup> It further dictated that Section 2 of the Birthright Citizenship E.O., which prohibits federal agencies from recognizing the citizenship of persons excluded from birthright citizenship by the E.O., “shall not take effect until thirty days after the date of this opinion.”<sup>111</sup>

Justices Thomas, Alito, and Kavanaugh joined the majority opinion and also filed separate concurrences. Justice Thomas wrote separately to emphasize that complete relief for the plaintiffs represents the maximum amount of relief that a court may award and that courts sometimes cannot or should not provide complete relief if doing so would violate other equitable principles.<sup>112</sup> He cautioned, “Courts may not use the complete-relief principle to revive the universal injunction.”<sup>113</sup>

Justice Alito’s concurrence addressed “the availability of third-party standing and class certification” and their potential to undermine the Court’s limit on universal injunctions.<sup>114</sup> Justice Alito directed lower courts to rigorously enforce requirements related to third-party standing when states seek to bring suit on behalf of their residents.<sup>115</sup> He further wrote that courts should maintain “scrupulous adherence to the rigors” of Federal Rule of Civil Procedure 23 (Rule 23), which imposes requirements that must be satisfied before a court can certify a class.<sup>116</sup>

Justice Kavanaugh noted that the majority opinion focused on the power of district courts to issue universal relief and wrote separately to emphasize the role of the federal appellate courts—and particularly the Supreme Court—in determining whether a challenged law or policy will apply while a case remains pending.<sup>117</sup> Justice Kavanaugh opined that “there often (perhaps not always, but often) should be a nationally uniform answer on whether a major new federal statute, rule, or executive order can be enforced throughout the United States during the several-year interim period until its legality is finally decided on the merits” and that typically that answer should come from the Supreme Court.<sup>118</sup> He explained that “the Court’s disposition of applications for

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<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> *Id.* at \*12.

<sup>110</sup> *Id.* at \*15.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.* at \*15–17 (Thomas, J., concurring).

<sup>113</sup> *Id.* at \*17 (Thomas, J., concurring).

<sup>114</sup> *Id.* at \*17–18 (Alito, J., concurring).

<sup>115</sup> *Id.* at \*17 (Alito, J., concurring).

<sup>116</sup> *Id.* at \*18 (Alito, J., concurring).

<sup>117</sup> *Id.* at \*19–24 (Kavanaugh, J., concurring).

<sup>118</sup> *Id.* at \*20 (Kavanaugh, J., concurring).

interim relief often will effectively settle, *de jure* or *de facto*, the interim legal status of those statutes or executive actions nationwide” and concluded that the decision in *CASA* “will not affect this Court’s vitally important responsibility to resolve applications for stays or injunctions with respect to major new federal statutes and executive actions.”<sup>119</sup>

Justice Sotomayor filed a dissent in which Justices Kagan and Jackson joined.<sup>120</sup> Justice Sotomayor’s dissent devoted significant attention to the underlying question of the legality of the Birthright Citizenship E.O., contending that “every conceivable source of law confirms” that “birthright citizenship is the law of the land” and that “the Order’s patent unlawfulness reveals the gravity of the majority’s error and underscores why equity supports universal injunctions as appropriate remedies in this kind of case.”<sup>121</sup>

Justice Sotomayor offered an account of the history of universal injunctions that differed from the majority’s, asserting that they “are consistent with long-established principles of equity.”<sup>122</sup> She further asserted that the cases at bar “do not even squarely present the legality of universal injunctions ... because, even if the majority were right that injunctions can only offer ‘complete relief to the plaintiffs before the court,’ ... each of the lower courts here correctly determined that the nationwide relief they issued was necessary to remedy respondents’ injuries completely.”<sup>123</sup> She criticized the majority opinion for “render[ing] constitutional guarantees meaningful in name only for any individuals who are not parties to a lawsuit” and providing “an open invitation for the Government to bypass the Constitution.”<sup>124</sup>

Justice Jackson filed an additional solo dissent, writing that the “Court’s decision to permit the Executive to violate the Constitution with respect to anyone who has not yet sued is an existential threat to the rule of law.”<sup>125</sup> She expressed concerns that the Court’s ruling would divide persons affected by unlawful government action into two groups: those who are able to sue and win an injunction and those who cannot sue and remain subject to the unlawful action. She asserted that this division is inequitable because “the zone of lawlessness the majority has now authorized will disproportionately impact the poor, the uneducated, and the unpopular.”<sup>126</sup> She also contended that in such a regime, the “Constitution is flipped on its head, for its promises are essentially nullified” when the “Executive ... can do whatever it wants to whomever it wants, unless and until each affected individual affirmatively invokes the law’s protection.”<sup>127</sup>

## Potential Impact on Federal Court Litigation

The Supreme Court’s decision in *CASA* held that Congress has not authorized district courts to issue universal injunctions beyond what is needed to protect parties before the court.<sup>128</sup> Questions remain about the legality of the Birthright Citizenship E.O. and the scope of relief that is available in these consolidated cases and more generally.

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<sup>119</sup> *Id.* at \*24 (Kavanaugh, J., concurring).

<sup>120</sup> *Id.* at \*24–44 (Sotomayor, J., dissenting).

<sup>121</sup> *Id.* at \*25 (Sotomayor, J., dissenting).

<sup>122</sup> *Id.* at \*30 (Sotomayor, J., dissenting).

<sup>123</sup> *Id.* (Sotomayor, J., dissenting).

<sup>124</sup> *Id.* at \*25, 42 (Sotomayor, J., dissenting).

<sup>125</sup> *Id.* at \*44 (Jackson, J., dissenting).

<sup>126</sup> *Id.* at \*50 (Jackson, J., dissenting).

<sup>127</sup> *Id.* at \*51 (Jackson, J., dissenting).

<sup>128</sup> *Id.* at \*15.

Following the *CASA* decision, the three consolidated cases and other cases involving challenges to the Birthright Citizenship E.O. remain pending in the lower federal courts. By order of the Supreme Court, Section 2 of the E.O., which contains the order’s core limitation on birthright citizenship, will remain paused for at least 30 days after the issuance of *CASA*.<sup>129</sup> *CASA*, *New Jersey*, and *Washington* will return to the lower federal courts for those courts to determine in the first instance what scope of injunctive relief is appropriate and no broader than required to provide complete relief to the plaintiffs.<sup>130</sup> Future grants, denials, or modifications of injunctions in any of the birthright citizenship cases will be immediately appealable to the relevant federal appeals court and subject to discretionary Supreme Court review.<sup>131</sup> As of the date of this report, no federal court has issued a final ruling on claims that the Birthright Citizenship E.O. conflicts with the Fourteenth Amendment and the INA. Any such ruling would also be appealable, and many observers believe it is likely that a merits challenge to the E.O. will eventually reach the Supreme Court.<sup>132</sup>

More broadly, it remains to be seen how the Supreme Court’s decision in *CASA* will affect litigation challenging federal laws and policies. The executive branch has expressed the intent “to have every injunction revisited” in cases where federal policies have been halted.<sup>133</sup> As discussed further below, litigants challenging government actions have also taken steps to respond to the decision.<sup>134</sup> While the *CASA* majority and two of the concurrences expressed the intent to limit nationwide injunctions,<sup>135</sup> the decision also left open several avenues through which federal courts may block government actions in their entirety.

First, federal courts may still issue universal relief when doing so is required to provide complete relief to the plaintiffs before the court. Before the *CASA* decision, many lower federal courts considering requests for nationwide injunctions were already applying the complete relief principle.<sup>136</sup> For instance, the district court decision on appeal in *Trump v. New Jersey* held that, for the state plaintiffs, “universal or nationwide relief is necessary to prevent them from suffering irreparable harm.”<sup>137</sup> The Supreme Court’s ruling in *CASA* preserves the possibility that that order, and others like it, may remain in effect.<sup>138</sup> By contrast, the *CASA* Court held that a nationwide injunction is not required to protect the individual plaintiffs in the consolidated cases.<sup>139</sup> Likewise, although the district court in *Trump v. CASA* held that a nationwide injunction

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> 28 U.S.C. §§ 1254, 1292.

<sup>132</sup> See, e.g., Brandon Drenon & Lisa Lambert, *What to Know about the Supreme Court’s Birthright Citizenship Ruling*, BBC (June 27, 2025), <https://www.bbc.com/news/articles/cjrl7dd1dp9o> [<https://perma.cc/4WZ7-FR6X>]; Collins and Erman on Universal Injunctions and Birthright Citizenship in *Trump v. CASA*, MICHIGAN LAW (June 30, 2025), <https://michigan.law.umich.edu/news/collins-and-erman-universal-injunctions-and-birthright-citizenship-trump-v-casa> [<https://perma.cc/9ZSA-2N7C>].

<sup>133</sup> Haisten Willis, *White House Says ‘Every’ Nationwide Injunction to Be Revisited*, WASH. EXAMINER (July 2, 2025), <https://www.washingtonexaminer.com/news/white-house/3458495/white-house-trump-every-nationwide-injunction-revisited-supreme-court/> [<https://perma.cc/C32E-CBX3>].

<sup>134</sup> See *infra* notes 153–154.

<sup>135</sup> See *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*15 (U.S. June 27, 2025); *id.* at \*15–17 (Thomas, J., concurring); *id.* at \*17–18 (Alito, J., concurring).

<sup>136</sup> Those courts often cited *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979).

<sup>137</sup> *Doe v. Trump*, 766 F. Supp. 3d 266, 288 (D. Mass. 2025), *remanded*, No. 25-1169, 2025 WL 1833522 (1st Cir. July 3, 2025).

<sup>138</sup> *CASA*, 2025 WL 1773631, at \*12.

<sup>139</sup> *Id.* at \*11.



was required to provide complete relief to the organizational plaintiffs in that case, the Supreme Court's decision casts doubt on that holding.<sup>140</sup>

*CASA* did not categorically limit nationwide relief to suits by states, and the Court majority cited instances when universal relief may be required to protect individual plaintiffs, such as nuisance and gerrymandering cases.<sup>141</sup> However, recent challenges to federal laws and policies suggest that states may be particularly well-situated to claim far-reaching harms that can be addressed only by universal relief, because individuals may move between states and patchwork legal regimes may impose costs and administrative burdens on states.<sup>142</sup> Stricter application of the complete relief principle may thus lead to an increased reliance on suits brought by states to challenge federal actions.<sup>143</sup>

Second, the limitations articulated in *CASA* do not apply to challenges to agency action under the Administrative Procedure Act (APA)<sup>144</sup> or class actions certified under Rule 23.<sup>145</sup> With respect to the APA, a court hearing an APA case sometimes universally stays a challenged action while the case is pending or issue a universal vacatur following litigation on the merits.<sup>146</sup> While there are technical differences between APA stays and vacatur and nationwide injunctions, as a practical matter all of these types of rulings serve to pause a challenged law or policy in its entirety.<sup>147</sup> The APA applies to certain actions of executive agencies but does not apply to presidential actions, so it could not be invoked to challenge executive orders such as the Birthright Citizenship E.O.<sup>148</sup>

<sup>140</sup> Compare *CASA, Inc. v. Trump*, 763 F. Supp. 3d 723, 746 (D. Md. 2025) (“Only a nationwide injunction will provide complete relief to the plaintiffs.”), with *CASA*, 2025 WL 1773631, at \*11 (“The individual and associational respondents are therefore wrong to characterize the universal injunction as simply an application of the complete-relief principle.”); *id.* at \*17 (Thomas, J., concurring) (“[T]he Court today readily dispatches with the individual and associational respondents’ position that they require a universal injunction.”).

<sup>141</sup> *CASA*, 2025 WL 1773631, at \*11 & n.12.

<sup>142</sup> See, e.g., Kyle Cheney, Hassan Ali Kanu & Erica Orden, *Trump Adversaries See Silver Linings in his ‘Monumental’ Supreme Court Win*, POLITICO (June 27, 2025), <https://www.politico.com/news/2025/06/27/trump-supreme-court-birthright-injunction-loopholes-00430225> [<https://perma.cc/K67Q-BDAA>].

<sup>143</sup> On July 1, 2025, a district court issued a nationwide injunction in a suit brought by a group of states to challenge planned organizational changes at the Department of Health and Human Services. *New York v. Kennedy*, No. 25-cv-196-MRD-PAS, 2025 WL 1803260 (D.R.I. July 1, 2025). That order is not included in this report’s count of nationwide injunctions because it was issued after the date of the decision in *CASA*. While the challenge in that case was based in part on the APA, the court enjoined rather than stayed the relevant agency actions. The court’s order did not discuss the complete relief principle but directed the parties to file notices “addressing the way in which (if at all) *Trump v. CASA, Inc.* . . . impacts the scope of this Order.” *Id.* at \*21. The parties filed notices on July 11, 2025.

<sup>144</sup> 5 U.S.C. §§ 500–596.

<sup>145</sup> FED. R. CIV. P. 23. For discussion of the scope of the Court’s ruling, see *CASA*, 2025 WL 1773631, at \*8 n.10; *id.* at \*9–10, \*19 (Kavanaugh, J., concurring) (“To be sure, in the wake of the Court’s decision, plaintiffs who challenge the legality of a new federal statute or executive action and request preliminary injunctive relief may sometimes seek to proceed by class action under Federal Rule of Civil Procedure 23(b)(2) and ask a court to award preliminary classwide relief that may, for example, be statewide, regionwide, or even nationwide.... And in cases under the Administrative Procedure Act, plaintiffs may ask a court to preliminarily ‘set aside’ a new agency rule.”).

<sup>146</sup> See, e.g., *Ryan, LLC v. Fed. Trade Comm’n*, 746 F. Supp. 3d 369 (N.D. Tex. 2024); *Rest. L. Ctr. v. Dep’t of Lab.*, 115 F.4th 396 (5th Cir. 2024); see generally “Judicial Review of Agency Action,” in CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2020); *District Court Reform*, *supra* note 8, at 1712–13.

<sup>147</sup> Courts sometimes stay or vacate policies and also enjoin the relevant agencies from enforcing the policies. See, e.g., *Rural & Migrant Ministry v. EPA*, 510 F. Supp. 3d 138 (S.D.N.Y. 2020) (granting a “stay and restraining order”); cf. *New York v. U.S. Dep’t of Com.*, 351 F. Supp. 3d 502, 676–77 (S.D.N.Y. 2019) (discussing when an injunction is necessary in addition to vacatur).

<sup>148</sup> See *Franklin v. Massachusetts*, 505 U.S. 788, 801 (1992).



Federal statutes other than the APA also authorize far-reaching relief in specific types of cases.<sup>149</sup> The Supreme Court did not consider those provisions in *CASA*.

With respect to class actions, courts have certified nationwide classes under Rule 23 and have issued class-wide relief that bars enforcement of challenged laws or policies against all affected persons.<sup>150</sup> Prior to the decision in *CASA*, plaintiffs challenging government actions sometimes sought to bring a class action while also requesting preliminary universal relief before a class was certified. In some cases, courts granted injunctive relief in the form of nationwide injunctions before ruling on motions for class certification. For instance, one of the consolidated cases on appeal in *CASA* was filed as a purported class action, and the motion for class certification remained pending as of the date of the *CASA* decision.<sup>151</sup> In other cases, courts provisionally certified classes and granted preliminary class-wide injunctive relief.<sup>152</sup> The Supreme Court's decision in *CASA* forecloses the former route—unless a nationwide injunction is required to provide complete relief to the individuals seeking to represent the purported class—but leaves open the latter route.

Litigants quickly seized on class actions as a means to seek universal relief following *CASA*. Plaintiffs in *Trump v. CASA*, who had not previously sought to proceed via a class action, filed a motion for class certification and an emergency motion for a class-wide TRO and PI the same day the Supreme Court issued its decision.<sup>153</sup> In addition, advocacy groups filed at least one new class-action lawsuit challenging the Birthright Citizenship E.O. in response to the Supreme Court's ruling.<sup>154</sup> On July 10, 2025, the U.S. District Court for the District of New Hampshire provisionally certified a class of all infants affected by the E.O. and issued a class-wide PI.<sup>155</sup>

An injunction protecting a nationwide class of all persons affected by a challenged action is functionally equivalent to a nationwide injunction, but far-reaching injunctive relief is generally less controversial in the class action context, where additional procedural limitations apply.<sup>156</sup> Rule 23 imposes certain requirements before a class can be certified,<sup>157</sup> and Supreme Court decisions have interpreted Rule 23 to impose a high bar for class certification, so it is likely that there are some nationwide injunction cases in which plaintiffs could not satisfy those requirements.<sup>158</sup> Justice Alito's *CASA* concurrence cautioned that “district courts should not view today's decision as an invitation to certify nationwide classes without scrupulous adherence to the

<sup>149</sup> See, e.g., 11 U.S.C. § 362(a); 42 U.S.C. § 7607(d)(9).

<sup>150</sup> See, e.g., *J.G.G. v. Trump*, No. 1:25-CV-00766, 2025 WL 825115, at \*1 (D.D.C. Mar. 15, 2025), *vacated*, 145 S. Ct. 1003 (2025) (per curiam) (provisionally certifying a class consisting of “[a]ll noncitizens in U.S. custody who are subject to the March 15, 2025, Presidential Proclamation entitled ‘Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua’ and its implementation” and enjoining the government from removing members of such class).

<sup>151</sup> See Motion for Class Certification, *Washington v. Trump*, No. 2:25-CV-00127-JCC (W.D. Wash. Jan. 27, 2025); Emergency Motion for Class-wide TRO and PI, *Washington v. Trump*, No. 2:25-CV-00127-JCC (W.D. Wash. Jan. 27, 2025).

<sup>152</sup> See, e.g., *J.G.G.*, 2025 WL 825115, at \*1.

<sup>153</sup> See Motion for Class Certification, *CASA, Inc. v. Trump*, No. 8:25-CV-00201-DLB (D. Md. June 27, 2025).

<sup>154</sup> See Complaint, *Barbara v. Trump*, No. 1:25-CV-00244 (D.N.H. June 27, 2025).

<sup>155</sup> *Barbara v. Trump*, No. 25-cv-244-JL-AJ, 2025 WL 1904338 (D.N.H. July 10, 2025). The district court stayed its order for seven days to allow the government to appeal. *Id.* at \*16.

<sup>156</sup> See generally “Relief for Non-Parties,” in CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2020).

<sup>157</sup> See CRS In Focus IF12763, *Class Action Lawsuits: An Introduction*, by Bryan L. Adkins (2024); CRS Infographic IG10072, *Class Action Certification Requirements*, by Bryan L. Adkins (2025).

<sup>158</sup> See, e.g., Steve Vladeck, 162. *What Does the Birthright Citizenship Ruling Portend?*, ONE FIRST (June 27, 2025), <https://www.stevevladeck.com/p/162-what-does-the-birthright-citizenship> [https://perma.cc/R3EP-DWXV].

rigors of Rule 23” lest the universal injunction “return from the grave under the guise of ‘nationwide class relief.’”<sup>159</sup> Nonetheless, so long as avenues for far-reaching relief such as class actions and APA suits remain open, litigants challenging government actions may increasingly invoke those procedures to seek universal relief.

In addition, as outlined in Justice Kavanaugh’s *CASA* concurrence, it remains possible for the Supreme Court’s rulings on emergency matters to impose de facto uniform rules that apply while litigation is pending.<sup>160</sup> The Supreme Court’s rulings constitute binding precedent for all federal courts.<sup>161</sup> The Court’s rulings on applications for stays and injunctions are not functionally the same as nationwide injunctions, because any resulting injunction is directly enforceable only by the parties to the case and only to the extent needed to protect their own rights. However, lower courts considering challenges raising the same legal issues are bound by the Court’s rulings and, following a Supreme Court ruling enjoining or upholding an injunction against a government action, would presumably also enjoin the challenged action in separate cases. To the extent a lower court improperly failed to do so, its decision would be subject to appeal and reversal by the relevant court of appeals or the Supreme Court. Additionally, the government would have less incentive to try to enforce a policy it knew would likely be enjoined. The Supreme Court’s motions docket, sometimes called the “shadow docket,” has received significant attention in recent years.<sup>162</sup> An increased role for Supreme Court emergency rulings in imposing uniform rules while challenges to federal government actions are pending could heighten concerns some Court observers have expressed about the motions docket.

One possible limit on the Court’s supervision via the emergency docket hinges on the government’s litigation strategy. Because a party to litigation can appeal only with respect to issues on which it has not prevailed, the respondents and dissenters in *CASA* raised concerns that the government could avoid appellate review of its actions if the executive branch consistently lost in the lower courts and declined to appeal injunctions that protected only small numbers of individuals and left the government free to enforce challenged policies against most people.<sup>163</sup> With respect to challenges to the Birthright Citizenship E.O. specifically, the solicitor general at oral argument expressed the intent to appeal if the government loses on the merits.<sup>164</sup> It remains to be seen whether and to what extent concerns about the executive branch avoiding appellate review of its policies by declining to appeal will be borne out in practice.

## Considerations for Congress

Nationwide injunctions have received significant attention from commentators, courts, and legislators for a number of years, and Members of Congress have been considering whether and

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<sup>159</sup> *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at \*18 (U.S. June 27, 2025) (Alito, J., concurring).

<sup>160</sup> *See id.* at \*19–24 (Kavanaugh, J., concurring).

<sup>161</sup> There is some uncertainty about whether and how the Court’s non-merits decisions should be considered precedential, but the Court has suggested that these orders carry precedential weight and should dictate the outcome of future litigation in the lower courts. *See Gateway City Church v. Newsom*, 141 S. Ct. 1460 (2020) (mem.); *see also* “Motions Practice: The ‘Shadow Docket,’” in CRS Report R47382, *Congressional Control over the Supreme Court*, by Joanna R. Lampe (2023).

<sup>162</sup> *See* “Motions Practice: The ‘Shadow Docket,’” in CRS Report R47382, *Congressional Control over the Supreme Court*, by Joanna R. Lampe (2023).

<sup>163</sup> *See, e.g., CASA*, 2025 WL 1773631, at \*42 (Sotomayor, J., dissenting).

<sup>164</sup> *See id.* at \*14 n.18.

how to legislate on this issue. In April 2025, both the House and Senate Judiciary Committees held hearings on nationwide injunctions.<sup>165</sup>

A separate CRS report discusses the broader legal and policy debate around nationwide injunctions.<sup>166</sup> The topic has attracted additional attention under the second Trump Administration. One factor contributing to this interest may be the number of nationwide injunctions handed down in high-profile cases. To illustrate, CRS identified 25 cases in which district courts had issued nationwide injunctions during the first hundred days of the second Trump Administration.<sup>167</sup> By comparison, CRS identified six nationwide injunctions issued during the first hundred days of the first Trump Administration and four issued during the first hundred days of the Biden Administration.<sup>168</sup> As discussed in a previous May 2025 CRS report, there are several possible reasons for the relatively higher number of nationwide injunctions during the beginning of the second Trump Administration, broadly relating to changes in behaviors of the executive branch, litigants challenging government actions, and the federal courts.<sup>169</sup>

Nationwide injunctions have also attracted widespread public attention during the second Trump Administration to date because a number of nationwide injunctions have been issued in high-profile cases, and several of those cases have reached the Supreme Court. As of July 7, 2025, 10 of the 34 nationwide injunctions CRS identified from the second Trump Administration had been appealed to the Supreme Court on an emergency basis.<sup>170</sup> Those cases, particularly *CASA*, have drawn public notice to what might otherwise be a niche legal issue.

It may be likely that the Supreme Court's decision in *CASA* will limit the number of nationwide injunctions that courts issue going forward, but, as discussed above, the precise practical impact of the decision remains to be seen.<sup>171</sup> If litigants increasingly seek universal relief via APA suits and class actions, those cases will not fall within CRS's current methodology for counting nationwide injunctions but could still significantly affect the executive branch's ability to pursue its policy objectives.

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<sup>165</sup> *Judicial Overreach and Constitutional Limits on the Federal Courts: Hearing Before the H. Comm. on the Judiciary, Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet, 119th Cong.* (2025); *Rule by District Judges II: Exploring Legislative Solutions to the Bipartisan Problem of Universal Injunctions: Hearing Before the S. Comm. on the Judiciary, 119th Cong.* (2025).

<sup>166</sup> CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2021).

<sup>167</sup> See CRS Report R48476, *Nationwide Injunctions in the First Hundred Days of the Second Trump Administration*, by Joanna R. Lampe (2025).

<sup>168</sup> See *supra* note 10, at tbl. A-1 & A-2.

<sup>169</sup> See "Considerations for Congress" in CRS Report R48476, *Nationwide Injunctions in the First Hundred Days of the Second Trump Administration*, by Joanna R. Lampe (2025).

<sup>170</sup> See *U.S. Dep't of State v. AIDS Vaccine Advocacy Coal.*, 145 S. Ct. 753 (2025) (mem.); *United States v. Shilling*, No. 24A1030, 2025 WL 1300282 (U.S. May 6, 2025) (mem.); *U.S. Dep't of Homeland Sec. v. D.V.D.*, No. 24A1153, 2025 WL 1732103 (June 23, 2025) (mem.); *Off. of Pers. Mgmt. v. Am. Fed'n of Gov't Emps.*, No. 24A904, 2025 WL 1035208 (U.S. Apr. 8, 2025) (mem.); *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631 (U.S. June 27, 2025) (disposing of three consolidated applications); *McMahon v. New York*, No. 24A1203, 2025 WL 1922626 (mem.) (U.S. July 14, 2025); *Application for Stay of Injunction, Social Sec. Admin. v. Am. Fed'n of State, Cnty. & Mun. Emps.*, No. 24A1063 (U.S. May 2, 2025); *Application for Stay, Trump v. Am. Fed'n of Gov't Emps.*, No. 24A1106 (U.S. May 16, 2025); *Application for Stay, Trump v. Am. Fed'n of Gov't Emps.*, No. 24A1174 (U.S. June 2, 2025). The May 16 and June 2, 2025, applications sought to stay district court orders in the same case. The May 16 application was withdrawn on May 27, 2025. The Court granted the June 2 application. *Trump v. Am. Fed'n of Gov't Emps.*, No. 24A1174, 2025 WL 1873449 (mem.) (U.S. July 8, 2025). See also *McHenry v. Texas Top Cop Shop, Inc.*, 145 S. Ct. 1 (2025) (mem.) (granting a stay of a nationwide injunction issued under the Biden Administration).

<sup>171</sup> See *supra* "Potential Impact on Federal Court Litigation."

Congress has the authority to enact legislation related to the *CASA* litigation or universal relief in general and could potentially take several approaches in doing so. With respect to the substantive challenges to the Birthright Citizenship E.O., which remain pending, to the extent the challenges are based on the INA, Congress has the legal authority to amend the statute. Like the E.O., any amendments to the statute would be subject to applicable constitutional limitations, including any limits contained in the Fourteenth Amendment.<sup>172</sup>

With respect to the issue of universal relief, the Court in *CASA* declined to address the government's constitutional challenge to nationwide injunctions and instead decided the case on statutory interpretation grounds.<sup>173</sup> This means that if Congress disagrees with the Court's interpretation of the Judiciary Act of 1789 or otherwise wishes to change the law in this area, it could do so via legislation.

Some Members of the 119th Congress have introduced legislation that would regulate nationwide injunctions. The No Rogue Rulings Act of 2025, which passed the House in April 2025, would provide that federal district courts could generally only issue injunctive relief “to limit the actions of a party to the case ... with respect to the party seeking injunctive relief from such district court and non-parties represented by such a party acting in a representative capacity pursuant to the Federal Rules of Civil Procedure.”<sup>174</sup> As an exception to that limitation, the bill would allow a three-judge district court to issue broader injunctive relief “[i]f a case is brought by two or more States located in different circuits challenging an action by the executive branch.” The three-judge panel would be randomly assigned and would be required to “consider the interest of justice, the risk of irreparable harm to non-parties, and the preservation of the constitutional separation of powers” before issuing injunctive relief. The bill would further provide that orders of a three-judge panel granting or denying injunctive relief could be appealed either to a U.S. Court of Appeals or to the Supreme Court “at the preference of the party.”

Another proposal, the Judicial Relief Clarification Act, would provide that no federal court

shall issue any order, including an injunction, vacatur, stay, temporary restraining order, declaratory relief, or equitable relief, that purports to restrain the enforcement against a non-party or compel action in favor of a non-party with respect to any statute, regulation, order, executive action, or similar authority, unless the court determines the non-party is represented by a party acting in a representative capacity pursuant to the Federal Rules of Civil Procedure.<sup>175</sup>

The Injunctive Authority Clarification Act of 2025 contains a similar provision.<sup>176</sup> In addition to the foregoing limitation, the Judicial Relief Clarification Act would provide for immediate appeals of TROs. It would also amend the APA to provide that remedies are “limited to a person ... before the court”<sup>177</sup> and to remove judicial authority to “set aside” unlawful agency actions.<sup>178</sup>

The Nationwide Injunction Abuse Prevention Act of 2025 would provide that a district court could not issue injunctive relief unless the order is only applicable to either “a party to the case

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<sup>172</sup> See generally Cong. Rsch. Serv., *Citizenship Clause Doctrine*, CONSTITUTION ANNOTATED, [https://constitution.congress.gov/browse/essay/amdt14-S1-1-2/ALDE\\_00000812/](https://constitution.congress.gov/browse/essay/amdt14-S1-1-2/ALDE_00000812/) (last visited July 7, 2024).

<sup>173</sup> *CASA*, 2025 WL 1773631, at \*6 n.4.

<sup>174</sup> H.R. 1526, 119th Cong. (2025) (as passed by the House).

<sup>175</sup> S. 1206, 119th Cong. (2025) (as introduced).

<sup>176</sup> H.R. 97, 119th Cong. (2025) (as introduced).

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

before the district court” or “the judicial district of the district court.”<sup>179</sup> The Court Shopping Deterrence Act would provide that, if a district court of the United States grants a nationwide injunction, as defined in the act, “the appeal from the order granting such injunction shall lie to the Supreme Court.”<sup>180</sup>

An additional proposal, the Restraining Judicial Insurrectionist Act of 2025, would not specifically regulate nationwide injunctions but would apply generally to require the use of a three-judge district court in suits “commenced against any department or office of the executive branch that seeks declaratory relief, a temporary restraining order, a preliminary or permanent injunction, vacatur, a stay, or other equitable relief against an action of the executive branch or executive order of the President.”<sup>181</sup> Some proposals from recent Congresses sought to limit litigants’ ability to file suit in courts they deem likely to rule favorably on their claims—a practice known as *forum shopping* that some commentators view as particularly problematic in the context of nationwide injunction cases.<sup>182</sup>

The Court’s ruling in *CASA* may lessen the perceived policy need for some or all of the foregoing proposals, but it does not render them moot, because the legislative proposals generally differ in scope or other particulars from the ruling in *CASA*. For instance, the No Rogue Rulings Act could be interpreted to limit some injunctions that would still be permitted after *CASA* because the bill would ban non-party relief without including an exception based on the complete relief principle. The act also includes an exception not contained in *CASA* that would allow three-judge district courts to issue broader injunctive relief in certain suits brought by states. Other proposals, such as the Court Shopping Deterrence Act and the Restraining Judicial Insurrectionist Act of 2025, would not alter the scope of relief courts can award but would instead change the procedures that apply to nationwide injunction cases.

The foregoing proposals take different approaches to defining the nationwide injunctions or other judicial actions subject to regulation. When evaluating proposed legislation related to nationwide injunctions, Members of Congress may consider whether the proposal accurately identifies the class of court orders Congress seeks to regulate.<sup>183</sup> A proposal that is overinclusive may limit injunctions that Members of Congress do not seek to regulate, while an underinclusive proposal may not effectively address policy concerns related to nationwide injunctions. A proposal that is not precisely drafted may create confusion for courts and parties and spark litigation over the scope of the regulation. Congress may also weigh other legal and policy considerations related to regulation of nationwide injunctions, including whether or not to ban or limit nationwide injunctions, provide substantive standards for courts to apply in ruling on requests for universal relief, or impose new procedural rules in nationwide injunction cases.<sup>184</sup>

While most recent legislative proposals would seek to limit nationwide injunctions, it is also possible that Congress could enact legislation to expressly allow such injunctions in circumstances where Congress deemed them appropriate. The government might renew its Article III challenge against legislation authorizing nationwide injunctions. Some members of the

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<sup>179</sup> S. 1099, 119th Cong. (2025) (as introduced).

<sup>180</sup> H.R. 2274, 119th Cong. (2025) (as introduced).

<sup>181</sup> S. 1090, 119th Cong. (2025) (as introduced).

<sup>182</sup> See CRS Legal Sidebar LSB10856, *Where a Suit Can Proceed: Court Selection and Forum Shopping*, by Joanna R. Lampe (2024); *District Court Reform*, *supra* note 8, at 1721–24.

<sup>183</sup> For additional discussion of considerations for Congress related to defining nationwide injunctions subject to legislation, see “How to Define ‘Nationwide Injunction?’” in CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2021).

<sup>184</sup> See *id.*, “Substantive Regulations.”

Supreme Court have expressed doubt as to the constitutionality of nationwide injunctions.<sup>185</sup> It is unclear how a majority of the Court would rule on that question in a future case.

Finally, the Court's decision in *CASA* did not change the law related to universal relief in the context of APA litigation and class actions. If Congress wished to change the scope of relief available in such cases, it could amend the APA or the Federal Rules of Civil Procedure.<sup>186</sup>

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<sup>185</sup> See, e.g., *Dep't of Homeland Sec. v. New York*, 140 S. Ct. 599, 600 (2020) (mem.) (Gorsuch, J., concurring); *Trump v. Hawaii*, 585 U.S. 667, 716 (2018) (Thomas, J., concurring).

<sup>186</sup> For discussion of Congress's ability to amend federal court procedural rules, see CRS In Focus IF11557, *Congress, the Judiciary, and Civil and Criminal Procedure*, by Joanna R. Lampe (2020).