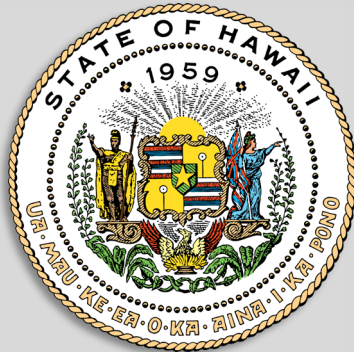


# HAWAII'S AFFIRMATIVE LITIGATION AGAINST THE FEDERAL ADMINISTRATION



**Senate Committee on Judiciary, August 14, 2025**

Attorney General Anne Lopez

Solicitor General Kaliko'onālani Fernandes

Special Assistant to the Attorney General Dave Day

# FEDERAL LITIGATION SUBJECT MATTER

IMMIGRATION (5 cases)

FUNDING FREEZES & GRANT  
TERMINATIONS (10 cases)

FEDERAL AGENCY DISMANTLING &  
RIFs (7 cases)

PROTECTING ELECTIONS, HEALTH,  
& SAFETY (5 cases)

# IMMIGRATION CASES

- **Birthright Citizenship:** *New Jersey, et al. v. Trump*, 1:25-cv-10139 (D. Mass)
  - Challenge to birthright citizenship EO.
  - EO enjoined. On appeal to the 1st Circuit.
- **Medicaid Data Sharing:** *California, et al. v. Dept. of Health & Human Services*, 3:25-cv-05536 (N.D. Cal)
  - Challenge to HHS's sharing of sensitive Medicaid data with DHS.
  - Preliminary injunction granted.
- **SNAP Data Demand:** *California, et al. v. U.S. Dept. of Agriculture*, 1:25-cv-06310 (N.D. Cal.)
  - Challenge to USDA demand that States turn over sensitive data for SNAP applicants and recipients.
  - Litigation ongoing.

# IMMIGRATION CASES (CONT.)

- **Funding Condition:** *California, et al. v. U.S. Dept. of Transportation*, 1:25-cv-00208 (D.R.I.)
  - Challenge to USDOT's attempt to impose immigration enforcement condition on all USDOT funding. For Hawaii, this condition would impact hundreds of millions of dollars in federal grants to DOT.
  - Preliminary injunction granted. Briefing on cross-motions for summary judgment forthcoming.
- **Funding Condition:** *Illinois, et al. v. FEMA*, 1:25-cv-00206 (D.R.I.)
  - Challenge to DHS's attempt to impose broad immigration enforcement conditions on FY 2025 DHS and FEMA grants to states.
  - Cross-motions for summary judgment pending.

# BIRTHRIGHT CITIZENSHIP CASE

*“Protecting the Meaning and Value of American Citizenship,”* issued on January 20, 2025:

Sec. 2. Policy. (a) It is the policy of the United States that no department or agency of the United States government 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, to persons: (1) when that person’s mother was unlawfully present in the United States and the person’s 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 was lawful but temporary, and the person’s father was not a United States citizen or lawful permanent resident at the time of said person’s birth.

**Citizenship Clause of the Fourteenth Amendment:**

“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.”

# DISTRICT COURT DECISION

### III. CONCLUSION

“What the Constitution has conferred neither the Congress, nor the Executive, nor the Judiciary, nor all three in concert, may strip away.” Nishikawa, 356 U.S. at 138 (Black, J., concurring). Here, the Constitution confers birthright citizenship broadly, including to persons within the categories described in the EO. Under the plain language of the Citizenship Clause and the INA provision that later borrowed its wording, and pursuant to binding Supreme Court precedent, the Court concludes that the plaintiffs’ constitutional and statutory challenges to the EO are likely to prevail, the plaintiffs face serious and irreparable harm in the absence of relief, the defendants face no cognizable harm from a preliminary injunction, and the public interest is served by preventing the implementation of a facially unconstitutional policy.

Accordingly, the plaintiffs’ motions (Doe, Doc. No. 10, and New Jersey, Doc. No. 3) are ALLOWED as described herein. Separate orders will issue in each case memorializing the preliminary injunctions entered by the Court.

SO ORDERED.

/s/ Leo T. Sorokin  
United States District Judge

Opinion of the Court

## SUPREME COURT OF THE UNITED STATES

No. 24A884

DONALD J. TRUMP, PRESIDENT OF THE UNITED  
STATES, ET AL. *v.* CASA, INC., ET AL.

ON APPLICATION FOR PARTIAL STAY

No. 24A885

DONALD J. TRUMP, PRESIDENT OF THE UNITED  
STATES, ET AL. *v.* WASHINGTON, ET AL.

ON APPLICATION FOR PARTIAL STAY

No. 24A886

DONALD J. TRUMP, PRESIDENT OF THE UNITED  
STATES, ET AL. *v.* NEW JERSEY, ET AL.

ON APPLICATION FOR PARTIAL STAY

[June 27, 2025]

JUSTICE BARRETT delivered the opinion of the Court.

The United States has filed three emergency applications challenging the scope of a federal court’s authority to enjoin Government officials from enforcing an executive order. Traditionally, courts issued injunctions prohibiting executive officials from enforcing a challenged law or policy only against the plaintiffs in the lawsuit. The injunctions before us today reflect a more recent development: district courts asserting the power to prohibit enforcement of a law or policy against *anyone*. These injunctions—known as “universal injunctions”—likely exceed the equitable authority that

\* \* \*

Some say that the universal injunction “give[s] the Judiciary a powerful tool to check the Executive Branch.” *Trump*, 585 U. S., at 720 (THOMAS, J., concurring) (citing S. Amdur & D. Hausman, *Nationwide Injunctions and Nationwide Harm*, 131 Harv. L. Rev. Forum 49, 51, 54 (2017); S. Malveaux, *Class Actions, Civil Rights, and the National Injunction*, 131 Harv. L. Rev. Forum, 56, 57, 60–62 (2017)). But federal courts do not exercise general oversight of the Executive Branch; they resolve cases and controversies consistent with the authority Congress has given them. When a court concludes that the Executive Branch has acted unlawfully, the answer is not for the court to exceed its power, too.

The Government’s applications to partially stay the preliminary injunctions are granted, but only to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue. The lower courts shall move expeditiously to ensure that, with respect to each plaintiff, the injunctions comport with this rule and otherwise comply with principles of equity. The injunctions are also stayed to the extent that they prohibit executive agencies from developing and issuing public guidance about the Executive’s plans to implement the Executive Order. Consistent with the Solicitor General’s representation, §2 of the Executive Order shall not take effect until 30 days after the date of this opinion. See Tr. of Oral Arg. 55.

*It is so ordered.*



# Immigration Funding Condition Case Example: *USDOT and the "Duffy Directive"*



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

April 24, 2025

To All Recipients of U.S. Department of Transportation Funding:

The U.S. Department of Transportation (Department or DOT) distributes substantial Federal financial assistance for thousands of projects, programs, and activities operated or initiated by diverse entities, including but not limited to State and local governments. The Department administers this Federal financial assistance to support the development and maintenance of the Nation's transportation infrastructure, pursuant to statutory authority and in accordance with binding contractual agreements in the form of Federal financial assistance agreements, usually grants, cooperative agreements, and loans. Accordingly, I write to clarify and reaffirm pertinent legal requirements, to outline the Department's expectations, and to provide a reminder of your responsibilities and the consequences of noncompliance with Federal law and the terms of your financial assistance agreements. It is the policy of the Department to award and to continue to provide Federal financial assistance only to those recipients who comply with their legal obligations.

As recipients of such DOT funds, you have entered into legally enforceable agreements with the United States Government and are obligated to comply fully with all applicable Federal laws and regulations. These laws and regulations include the United States Constitution, Federal statutes, applicable rules, and public policy requirements, including, among others, those protecting free speech and religious liberty and those prohibiting discrimination and enforcing controls on illegal immigration. As Secretary of Transportation, I am responsible for ensuring recipients of DOT financial assistance are aware of and comply with all applicable legal obligations.

The Equal Protection principles of the Constitution prohibit State and Federal governmental entities from discriminating on the basis of protected characteristics, including race. Indeed, as the Supreme Court declared in *Students for Fair Admission, Inc. v. Harvard (SFFA)*, 600 U.S. 181, 206 (2023), "[t]he clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States." The Court further noted that "[o]ne of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities." *Id.* at 220. In ruling that race-based admissions programs at universities violated the Equal Protection Clause, the Court made clear that discrimination based on race is, has been, and will continue to be unlawful, except in rare circumstances. *Id.* at 220-21. Similarly, sex-based classifications violate the Equal Protection Clause absent "exceedingly persuasive" justification. *See United States v. Virginia*, 518 U.S. 515, 533 (1996).

<sup>1</sup> Secretary Duffy issued the "Duffy Directive" in April 2025, requiring transportation grant recipients to "cooperate with Federal officials in the enforcement of Federal Law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in and the enforcement of Federal immigration law." ECF No. 1-2 at 2. The U.S. DOT has added the IEC to general terms and conditions governing all federal funding administered by several subagencies within U.S. DOT as well as to the terms and conditions for specific federal grants. It has demanded that state officials execute grant agreements with the IEC language.



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF CALIFORNIA; STATE OF  
ILLINOIS; STATE OF NEW JERSEY;  
STATE OF RHODE ISLAND; STATE OF  
MARYLAND; STATE OF COLORADO;  
STATE OF CONNECTICUT; STATE OF  
DELAWARE; STATE OF HAWAII; STATE  
OF MAINE; COMMONWEALTH OF  
MASSACHUSETTS; PEOPLE OF THE  
STATE OF MICHIGAN; STATE OF  
MINNESOTA; STATE OF NEVADA;  
STATE OF NEW MEXICO; STATE OF  
NEW YORK; STATE OF OREGON;  
STATE OF VERMONT; STATE OF  
WASHINGTON; AND STATE OF  
WISCONSIN,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION; SEAN DUFFY, in  
his official capacity as Secretary of  
Transportation,

*Defendants.*

No. 1:25-cv-\_\_\_\_\_

I, Edwin H. Sniffen, pursuant to 28 U.S.C. § 1746, hereby declare:

118. In my years with HDOT, I am not aware of HDOT staff ever being required to enforce or participate in the enforcement of federal civil immigration law. Further, because HDOT is responsible for duties related to highway, airport, and harbor infrastructure, HDOT staff has neither the expertise nor capacity to enforce immigration law.

119. If HDOT is unable to comply with the federal government's new funding conditions, the State would be unable to receive FY 2025 DOT funds (\$97,078,608) and funds not yet obligated from prior FYs (\$365,140,098), depriving the State of at least \$462,218,706, and frustrating its ability to maintain the critical programs described above.

	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
ATTAIN Grant Funds			\$4,200,000	
BBF and Low-No Grant Funds		\$55,186,682	\$20,000,000	\$5,000,000
CDLPI Grant Funds				\$67,226
EVCRAA Grant Funds		\$6,918,400		
HP-CMV Grant Funds				\$139,500
LCTM Grant Funds		\$28,906,035		
INFRA Grant Funds			\$74,634,000	\$33,007,500
PPPP Grant Funds			\$1,229,130	
PROTECT Grant Funds		\$5,255,908		
BUILD (RAISE) Grant Funds	\$22,000,000	\$49,837,010	\$50,000,000	\$61,222,506
RCP Grant Funds			\$19,145,625	\$1,600,000
SIRC Grant Funds		\$5,760,000		
SMART Grant Funds			\$1,290,000	
PIDP Grant Funds		\$40,040,279	\$23,460,000	
RTEPF Grant Funds		\$5,250,000		
FCT Grant Funds		\$1,000,000		
AIG Grant Funds		\$49,277,050	\$48,474,528	\$49,643,867
ATP Grant Funds		\$10,000,000	\$1,200,000	\$31,600,000
AIP Grant Funds		\$22,000,000		
<b>Total Contributed from Federal Grants Listed Above</b>	<b>\$22,000,000</b>	<b>\$279,401,364</b>	<b>\$243,633,283</b>	<b>\$182,280,599</b>

# PRELIMINARY INJUNCTION

The Court has determined based on the record before it at this time, that the States are likely to succeed on the merits of some or all their claims. Defendants' conduct violates the APA because they acted outside of their statutory authority when they issued the Duffy Directive and imposed the IEC categorically across all U.S. DOT grants when Congress appropriated those funds for transportation purposes, not immigration enforcement purposes. *See City of Providence v. Barr*, 954 F.3d 23, 31 (1st Cir. 2020). Congress did not authorize or grant authority to the Secretary of Transportation to impose immigration enforcement conditions on federal dollars specifically appropriated for transportation purposes.

The IEC, backed by the Duffy Directive, is arbitrary and capricious in its scope and lacks specificity in how the States are to cooperate on immigration enforcement in exchange for Congressionally appropriated transportation dollars—grant money that the States rely on to keep their residents safely and efficiently on the road, in the sky, and on the rails.

These conditions violate the Spending Clause as well: the IEC is not at all reasonably related to the transportation funding program grants whose statutorily articulated purposes are for the maintenance and safety of roads, highways, bridges, and development of other transportation projects. The Government does not cite to any plausible connection between cooperating with ICE enforcement and the congressionally approved purposes of the Department of Transportation. Under the Defendants' position, the Executive would be allowed to place any conditions it chose on congressionally appropriated funds, even when it would be entirely unrelated to the Department's purpose. Such is not how the three equal branches of government are allowed to operate under our Constitution.

In light of the conclusions that Defendants' adoption of the IEC is unconstitutional and/or unlawful because it: (a) violates the APA; (b) is ultra vires; and (c) to the extent that it relies on congressional authority, exceeds Congress's powers under the Spending Clause, the Court GRANTS the Plaintiffs' Motion for a Preliminary Injunction<sup>5</sup> (ECF No. 41 as amended by ECF No. 49) as to the States and their governmental subdivisions and ORDERS as follows:

1. Defendants are prohibited from implementing or enforcing the Immigration Enforcement Condition as set forth in the Duffy Directive.

2. Defendants are prohibited from withholding or terminating federal funding based on the Immigration Enforcement Condition as set forth in the Duffy Directive absent specific statutory authorization.

3. Defendants are prohibited from taking adverse action against any state entity or local jurisdiction, including barring it from receiving or making it ineligible for federal funding, based on the Immigration Enforcement Condition, absent specific statutory authorization.

4. The Court forbids and enjoins any attempt to implement the Immigration Enforcement Condition, and any actions by the Defendants to implement or enforce the Immigration Enforcement Condition.

IT IS SO ORDERED.

*s/John J. McConnell, Jr.*

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John J. McConnell, Jr.  
Chief Judge  
United States District Court

June 19, 2025

# FUNDING FREEZES & GRANT TERMINATIONS

- **OMB Categorical Freeze:** *New York, et al. v. Trump*, 1:25-cv-39 (D.R.I.)
  - Challenges OMB's near-total categorical freeze on obligation and disbursement of federal grants following Jan. 27 directive. At least \$1 billion in federal funds to Hawai'i impacted.
  - Preliminary injunction granted. Two motions to enforce granted. Appeals pending.
- **Terminations:** *Colorado, et al. v. Dep't of Health and Human Services*, 1:25-cv-00121-MSM/AEM (D.R.I.)
  - Challenge to HHS's termination of \$11 billion in public health funding following COVID-19 because the "COVID-19 pandemic is over." Exposure to DOH: Approximately \$89M in unspent funds from seven terminated grants.
  - Preliminary injunction granted. Terminations declared null and void. Appeal pending.
- **Indirect Costs:** *Massachusetts, et al. v. Nat'l Institutes of Health (NIH 1)*, 1:25-cv-10338 (D. Mass.)
  - Challenge to the NIH's drastic reduction in indirect costs rate, capped at 15%. Exposure to UH: approximately \$16.5M in funding, jeopardizing entire programs.
  - Permanent injunction and final judgment in favor of States. Appeal pending.



# FUNDING FREEZES & GRANT TERMINATIONS (CONT.)

- **Terminations:** *Massachusetts, et al. v. Kennedy (NIH 2)*, 1:25-cv-10814 (D. Mass.)
  - Challenge to the NIH's actions to terminate research grants and refuse to issue new research grants arising from "Secretarial Directive on DEI-Related Funding" and other directives – grants concerning "DEI," "transgender issues," "vaccine hesitancy," etc. Trial on Phase One concerns terminated grants, phase 2 concerns delays in new grants.
  - Rule 54(b) judgment entered re Phase One. Challenged Directives violate APA, grant terminations void. Trial Phase 2 concerning new grant streams pending.
- **Funding Condition:** *New York, et al. v. Dep't of Education*, 1:25-cv-11116 (D. Mass)
  - Challenge to the ED's effort to utilize vague certification requirements under Title VI of the Civil Rights Act (concerning race and national origin discrimination) to target alleged DEI initiatives.
  - Complaint and answer filed. Litigation ongoing.
- **Terminations/Indirect Costs:** *New York, et al. v. Nat'l Science Foundation*, 1:25-cv-04452 (S.D.N.Y.)
  - Challenge to NSF's reduction of indirect-cost rate and termination of grants citing new NSF priorities that flout statutory directives to increase STEM participation by women, minorities, and people with disabilities.
  - Indirect cost issue deemed moot after another court vacated indirect-cost directive. Preliminary injunction denied as to priorities directive.

# FUNDING FREEZES & GRANT TERMINATIONS (CONT.)

- **Education Funding Freeze:** *California, et al. v. McMahon*, 1:25-cv-00329 (D.R.I.)
  - Challenge to USDOE and OMB unlawfully freezing over \$6 billion in education funding.
  - Funding made available after filing of lawsuit.
- **National Electric Vehicle Infrastructure (NEVI) Funding:** *Washington, et al. v. U.S. Dep' of Transportation*, 1:25-cv-00848 (W.D. Wash.)
  - Challenge to suspension of NEVI program for electric vehicle charging infrastructure.
  - Preliminary injunction granted.

# FUNDING FREEZES & GRANT TERMINATIONS (CONT.)

- **“Agency Priorities” Clause:** *New Jersey, et al. v. Office of Management and Budget*, 1:25-cv-11816 (D. Mass.)
  - Challenge relating to clause in OMB regulation used to terminate thousands of grants for no longer effectuating agency priorities.
  - Litigation ongoing.
- **Education Stabilization Funds:** *New York, et al. v. U.S. Dep’t of Education*, 1:25-cv-02990 (S.D.N.Y.)
  - Challenge to unilateral rescission of extensions of time to liquidate education grant funds appropriated through COVID-era legislation.
  - Preliminary injunction granted.

# THE *OMB* CASE: CATEGORICAL FUNDING FREEZE




THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

January 27, 2025

M-25-13

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Matthew J. Vaeth, Acting Director, Office of Management and Budget 

SUBJECT: Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs

To implement these orders, each agency must complete a comprehensive analysis of all of their Federal financial assistance programs to identify programs, projects, and activities that may be implicated by any of the President's executive orders. In the interim, to the extent permissible under applicable law, Federal agencies **must temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders, including, but not limited to, financial assistance for foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the green new deal.

WHITE HOUSE

# Trump's spending freeze spreads chaos across US

Supporters of climate, infrastructure, mortgage, tech, health, veterans' and other projects expressed alarm as tens of thousands of programs appeared possibly at risk.



President Donald Trump signs executive orders in the Oval Office on Jan. 20, 2025. | Anna MoneyMaker/Getty Images

By **KELSEY TAMBORRINO**, **JOSH SIEGEL**, **JAMES BIKALES** and **ZACK COLMAN**

01/28/2025 07:15 PM EST





UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; STATE OF CALIFORNIA; STATE OF ILLINOIS; STATE OF RHODE ISLAND; STATE OF NEW JERSEY; COMMONWEALTH OF MASSACHUSETTS; STATE OF ARIZONA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NORTH CAROLINA; STATE OF NEW MEXICO; STATE OF OREGON; STATE OF VERMONT; STATE OF WASHINGTON; STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES; U.S. OFFICE OF MANAGEMENT AND BUDGET; MATTHEW J. VAETH, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF THE U.S. OFFICE OF MANAGEMENT AND BUDGET; U.S. DEPARTMENT OF THE TREASURY; SCOTT BESSENT, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE TREASURY; PATRICIA COLLINS IN HER OFFICIAL CAPACITY AS TREASURER OF THE U.S.; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; DOROTHY A. FINK, M.D., IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF HEALTH AND HUMAN SERVICES; U.S. DEPARTMENT OF EDUCATION; DENISE CARTER, IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF EDUCATION; U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY; CAMERON HAMILTON, IN HIS OFFICIAL CAPACITY AS ACTING ADMINISTRATOR OF THE U.S.

C.A. No. 25-cv-39

**REQUEST FOR EMERGENCY  
TEMPORARY RESTRAINING  
ORDER UNDER FEDERAL RULE  
OF CIVIL PROCEDURE 65(B)**

## MEMORANDUM AND ORDER

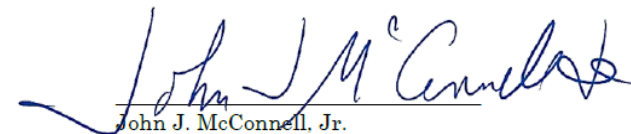
JOHN J. MCCONNELL, JR., United States District Chief Judge.

The Executive's categorical freeze of appropriated and obligated funds fundamentally undermines the distinct constitutional roles of each branch of our government. The interaction of the three co-equal branches of government is an intricate, delicate, and sophisticated balance—but it is crucial to our form of constitutional governance. Here, the Executive put itself above Congress. It imposed a categorical mandate on the spending of congressionally appropriated and obligated funds without regard to Congress's authority to control spending. Federal agencies and departments can spend, award, or suspend money based only on the power Congress has given to them—they have no other spending power. The Executive has not pointed to any constitutional or statutory authority that would allow them to impose this type of categorical freeze. The Court is not limiting the Executive's discretion or micromanaging the administration of federal funds. Rather, consistent with the Constitution, statutes, and caselaw, the Court is simply holding that the Executive's discretion to impose its own policy preferences on appropriated funds can be exercised only if it is authorized by the congressionally approved appropriations statutes. Accordingly, based on these principles and the reasons stated below, the Court grants the States' Motion for Preliminary Injunction. ECF No. 67.

1. The Agency Defendants<sup>16</sup> are enjoined from reissuing, adopting, implementing, giving effect to, or reinstating under a different name the directives in OMB Memorandum M-25-13 (the "OMB Directive") with respect to the disbursement and transmission of appropriated federal funds to the States under awarded grants, executed contracts, or other executed financial obligations.

2. The Agency Defendants are enjoined from pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriated federal funds to the States under awarded grants, executed contracts, or other executed financial obligations based on the OMB Directive, including funding freezes dictated, described, or implied by Executive Orders issued by the President before rescission of the OMB Directive or any other materially similar order, memorandum, directive, policy, or practice under which the federal government imposes or applies a categorical pause or freeze of funding appropriated by Congress. This includes, but is by no means not limited to, Section 7(a) of Executive Order 14154, Unleashing American Energy.

IT IS SO ORDERED.



John J. McConnell, Jr.

Chief Judge

United States District Court for the District of Rhode Island

March 6, 2025

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES, et al.,

Defendants.

C.A. No. 1:25-cv-00039

**RENEWED SECOND MOTION TO ENFORCE THE COURT'S ORDERS PERTAINING  
TO FREEZE OF FEMA FUNDS**

**II. FEMA Grants and Awards Remain Frozen, Endangering Important State  
Disaster Relief Programs**

The issues raised in Plaintiff States' Second Motion to Enforce continue largely unabated. As Plaintiff States reported on March 17, "[a]s of March 12, 2025, at least 215 FEMA grants to at least nineteen plaintiff states remain frozen or otherwise rendered inaccessible." ECF No. 167, at 2. Now, approaching the close of the quarter, lack of access to funding is poised to disrupt programs.

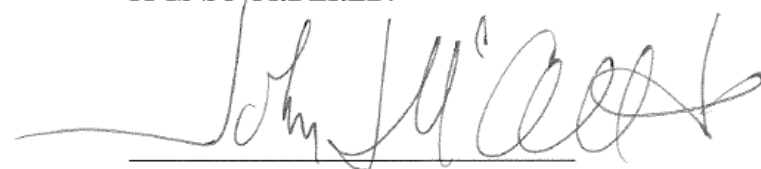
For Hawai'i, this means the imminent cessation of case management services for victims of the 2023 Maui wildfires, "including the wildfire-initiated urban conflagration that caused extreme damage to the historic town of Lahaina, killed over 100 people and displaced thousands of Hawai'i residents from their homes." Speer Decl. ¶ 3. Before FEMA initiated its categorical, indefinite pause of funding, Hawai'i usually received reimbursement within approximately one week of submitting a request, a time period that allowed for FEMA's review and the mechanics of the fund transfer. *Id.* ¶ 13. As of today, Hawai'i has waited nearly 30 days for reimbursement. *Id.* ¶ 12. This abrupt change in practice is near fatal because a key requirement of FEMA regarding these grant funds is that Hawai'i is precluded from maintaining more than three business days' worth of cash on hand. *Id.* ¶ 18. If Hawai'i does not receive reimbursement by March 31, it will be forced to discontinue its "work with survivors to create unique disaster recovery plans that are individualized to each household, and . . . help survivors navigate their recovery and work with the myriad of resources available to meet their needs." *Id.* ¶¶ 6, 18. Hawai'i currently provides these services to more than 4,000 individual wildfire survivors, but that work will cease as of April 4 if funds are not released. *Id.* ¶¶ 6, 8, 18. Hawai'i has raised these serious issues with its counterpart grant administrators at FEMA. *Id.* ¶¶ 16, 18. Despite seeking reassurance or guidance from FEMA, "there is no known timeline for when FEMA or the federal Department of Homeland Security will determine if, or when, it will approve" Hawai'i's pending funding requests. *Id.* ¶ 16.

## MEMORANDUM AND ORDER

violates the Court's preliminary injunction order. So in accordance with the preliminary injunction order, FEMA is hereby ORDERED as follows:

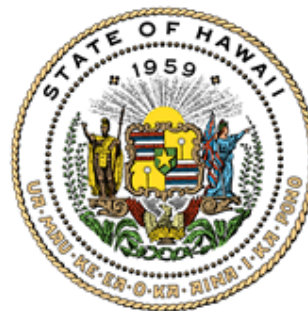
1. Throughout the duration of the preliminary injunction order, FEMA must immediately cease the challenged manual review process implemented pursuant to Secretary Noem's "Direction on Grants to Non-governmental Organizations" and "Restricting Grant Funding for Sanctuary Jurisdictions" memoranda—including the manual review process as described in Cameron Hamilton's March 20, 2025 Memorandum to DHS Secretary Noem.
2. FEMA must immediately comply with the plain text of the preliminary injunction order not to pause or otherwise impede the disbursement of appropriated federal funds to the States based on funding freezes dictated, described, or implied by Executive Orders issued by the President before the rescission of the OMB Directive, which includes sections 17 and 19 of the *Invasion* Executive Order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", is written over a horizontal line.

John J. McConnell, Jr.  
Chief Judge  
United States District Court  
for the District of Rhode Island

April 4, 2025



**STATE OF HAWAII**  
*KA MOKU 'ĀINA O HAWAII*

**JOSH GREEN, M.D.**  
GOVERNOR  
*KE KIA'ĀINA*

**DEPARTMENT OF HUMAN SERVICES**  
*KA 'OIHANA MĀLAMA LAWELawe KANAKA*

**RYAN I. YAMANE**  
DIRECTOR  
*KA LUNA HO'OKELE*

**JOSEPH CAMPOS II**  
DEPUTY DIRECTOR  
*KA HOPE LUNA HO'OKELE*

**TRISTA SPEER**  
DEPUTY DIRECTOR  
*KA HOPE LUNA HO'OKELE*

**DHS ANNOUNCES NEW DISASTER CASE MANAGEMENT  
HOUSING INITIATIVE FOR MAUI WILDFIRE SURVIVORS**  
*New Housing Specialists to Respond to Evolving Needs of Survivors*



# FEDERAL AGENCY DISMANTLING CASES & RIFs

- **Department of Education:** *New York, et al. v. McMahon*, 1:25-cv-10601 (D. Mass.)
  - Challenge to the dismantling of the U.S. Department of Education, including elimination of nearly half its workforce.
  - Preliminary injunction stayed by SCOTUS.
- **Department of Health & Human Services:** *New York, et al. v. Kennedy*, 1:25-cv-00196-MRD-PAS (D.R.I.)
  - Challenge to the dismantling of the U.S. Department of Health and Human Services, following RIF of 10,000 full-time employees and dramatic reduction of divisions and regional offices.
  - Preliminary injunction granted.

# FEDERAL AGENCY DISMANTLING CASES & RIFs

## (CONT.)

- **Americorp:** *Maryland, et al. v. Corp. for Nat'l Community Service*, 1:25-cv-01363-DLB (D. Md.)
  - Challenge to effort to terminate AmeriCorps programs, grants, and staff.
  - Preliminary injunction granted. Litigation ongoing over FY 2025 funds.
- **Probationary Employees:** *Maryland, et al. v. U.S. Dep't of Agriculture*, 1:25-cv-00748 (D. Md.)
  - Challenge to mass termination of federal probationary employees.
  - Preliminary injunction granted ordering reinstatement in plaintiff states. Injunction stayed pending appeal. Appeal ongoing.

# ILLEGAL FEDERAL AGENCY DISMANTLING CASES & RIFs

## (CONT.)

- ***New York, et al. v. Trump*, 25-CV-1144 (S.D.N.Y.)**
  - Challenge to DOGE's access to the U.S. Treasury Department's central payment system containing sensitive information, including bank account details and SSNs.
  - Preliminary injunction granted, preventing DOGE from accessing Treasury Department payment systems; subsequently modified to allow certain DOGE affiliates to access following their receiving court-mandated training. Interlocutory appeal pending.
- ***New Mexico, et al. v. Musk*, 1:25-cv-00429 (D.D.C.)**
  - Challenge to Elon Musk's exercise of significant authority without being nominated for an office and confirmed by the Senate, as required by the Appointments Clause.
  - Motion for TRO denied. Motion to dismiss denied. Litigation concerning discovery ongoing.

# ILLEGAL FEDERAL AGENCY DISMANTLING CASES & RIFs (CONT.)

- ***Rhode Island, et al. v. Trump***, 1:25-cv-00128-JJM-AEM (D.R.I.)
  - Initial challenge to implementation of EO directing closure of three agencies: the Institute for Museum and Library Services; Minority Business Development Agency; Federal Mediation and Conciliation Service.
  - Preliminary Injunction granted as to IMLS, MBDA, and FMCS. Amended Complaint added U.S. Interagency Council on Homelessness as fourth agency. Briefing on motions for summary judgment ongoing.

# Trump says he wants Education Department to be closed immediately

By Nandita Bose and Kanishka Singh

February 13, 2025 6:41 AM HST · Updated February 13, 2025



An American flag and a tattered U.S. Department of Education flag fly outside the federal office building, amid reports that U.S. President Donald Trump's administration will take steps to defund the federal Education Department, in Washington, U.S., February 4, 2025.

REUTERS/Kevin Lamarque [Purchase Licensing Rights](#)

## Trump Is Said to Be Preparing Order That Aims to Eliminate Education Dept.

Without Congress, President Trump cannot dismantle the agency. No modern president has ever tried to unilaterally shut down a federal department.

Listen to this article · 2:21 min [Learn more](#)

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Linda McMahon, the education secretary, would be instructed to dismantle her department under the planned order. Haiyun Jiang for The New York Times



By **Michael C. Bender**

Reporting from Washington

March 6, 2025





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## PRESS RELEASE

# U.S. Department of Education Initiates Reduction in Force

MARCH 11, 2025

As part of the Department of Education's final mission, the Department today initiated a reduction in force (RIF) impacting nearly 50% of the Department's workforce. Impacted Department staff will be placed on administrative leave beginning Friday, March 21st.

"Today's reduction in force reflects the Department of Education's commitment to efficiency, accountability, and ensuring that resources are directed where they matter most: to students, parents, and teachers," said **Secretary of Education Linda McMahon**. "I appreciate the work of the dedicated public servants and their contributions to the Department. This is a significant step toward restoring the greatness of the United States education system."

The Department of Education will continue to deliver on all statutory programs that fall under the agency's purview, including formula funding, student loans, Pell Grants, funding for special needs students, and competitive grantmaking.

All divisions within the Department are impacted by the reduction, with some divisions requiring significant reorganization to better serve students, parents, educators, and taxpayers.

## Background

When President Trump was inaugurated, the Department's workforce stood at 4,133 workers. After today's actions, the Department's workforce will total roughly 2,183 workers. Included in the reduction in force are nearly 600 employees who accepted voluntary resignation opportunities and retirement over the last seven weeks, including:

- 259 employees accepted the [Deferred Resignation Program](#)
- 313 employees accepted the [Voluntary Separation Incentive Payment](#)

Help improve ED.gov

## VIII. CONCLUSION

For the reasons stated above, Consolidated Plaintiffs' Motion for Preliminary Injunction, [Doc. No. 69; 25-cv-10677 Doc. No. 25], is GRANTED. The Department must be able to carry out its functions and its obligations under the DEOA and other relevant statutes as mandated by Congress.

It is therefore ORDERED, until further order of this Court, that:

1. The Agency Defendants are enjoined from carrying out the reduction-in-force announced on March 11, 2025; from implementing President Trump's March 20, 2025 Executive Order; and from carrying out the President's March 21, 2025 Directive to transfer management of federal student loans and special education functions out of the Department;
2. The Agency Defendants are enjoined from implementing, giving effect to, or reinstating the March 11, 2025, the President's March 20, 2025 Executive Order, or the President's March 21, 2025 Directive under a different name;
3. The Agency Defendants shall reinstate federal employees whose employment was terminated or otherwise eliminated on or after January 20, 2025, as part of the reduction-in-force announced on March 11, 2025 to restore the Department to the status quo such that it is able to carry out its statutory functions;
4. The Agency Defendants shall provide notice of this Order of Preliminary Injunction within 24 hours of entry to all their officers, agents, servants, employees, attorneys, and anyone acting in concert with them;
5. The Agency Defendants shall file a status report with this Court within 72 hours of the entry of this Order, describing all steps the Agency Defendants have taken to comply with this Order, and every week thereafter until the Department is restored to the status quo prior to January 20, 2025; and
6. This Preliminary Injunction shall become effective immediately upon entry by this Court. The Preliminary Injunction Order shall remain in effect for the duration of this litigation and until a merits decision has been issued.

SO ORDERED, this 22<sup>nd</sup> day of May 2025 at 10:30 A.M.

/s/ Myong J. Joun  
United States District Judge

V.

In sum, the appellants have failed to make a strong showing that they are likely to succeed in their appeal as to the injunctive relief at issue insofar as that relief is predicated on the plaintiffs' APA claims. They also have failed to show that the plaintiffs would not be substantially injured by a stay of this preliminary injunction during the pendency of this appeal. Nor have they shown that the public's interest lies in permitting a major federal department to be unlawfully disabled from performing its statutorily assigned functions.

Against that backdrop, we cannot say that the mere fact that the appellants have demonstrated some risk of irreparable harm entitles them to a stay. See Does 1-3 v. Mills, 39 F.4th 20, 25 (1st Cir. 2022) ("A stay 'is not a matter of right, even if irreparable injury might otherwise result to the appellant.'" (quoting Nken, 556 U.S. at 427)). Certainly, the appellants make no argument that this risk of harm in and of itself entitles them to a stay, such that they need not pursue the ordinary appellate means of overturning an adverse order. Nor are we aware of any controlling case suggesting that this risk entitles them to such extraordinary interim relief. Cf. Camelot Banquet Rooms, Inc. v. U.S. Small Bus. Admin., 14 F.4th 624, 628 (7th Cir. 2021) ("The other factors are essentially a wash, so the final result is driven by the likelihood of success on the merits.").

What is at stake in this case, the District Court found, was whether a nearly half-century-old cabinet department would be permitted to carry out its statutorily assigned functions or prevented from doing so by a mass termination of employees aimed at implementing the effective closure of that department. Given the extensive findings made by the District Court and the absence of any contrary evidence having been submitted by the appellants, we conclude that the appellants' stay motion does not warrant our interfering with the ordinary course of appellate adjudication in the face of what the record indicates would be the apparent consequences of our doing so.

The appellants' motion for a stay is denied.

Cite as: 606 U. S. \_\_\_\_ (2025)

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SOTOMAYOR, J., dissenting

## SUPREME COURT OF THE UNITED STATES

No. 24A1203

LINDA MCMAHON, SECRETARY OF EDUCATION,  
ET AL. v. NEW YORK, ET AL.

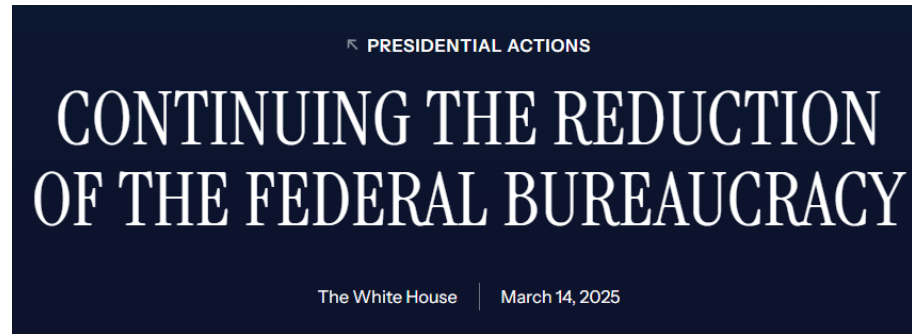
ON APPLICATION FOR STAY

[July 14, 2025]

The application for stay presented to JUSTICE JACKSON and by her referred to the Court is granted. The May 22, 2025 preliminary injunction entered by the United States District Court for the District of Massachusetts, case No. 1:25-cv-10601, is stayed pending the disposition of the appeal in the United States Court of Appeals for the First Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.



# THE FOUR-AGENCY CASE



## **Sec. 2. Reducing the Scope of the Federal Bureaucracy.**

(a) Except as provided in subsection (b) of this section, the non-statutory components and functions of the following governmental entities shall be eliminated to the maximum extent consistent with applicable law, and such entities shall reduce the performance of their statutory functions and associated personnel to the minimum presence and function required by law:

- (i) the Federal Mediation and Conciliation Service;**
- (ii) the United States Agency for Global Media;
- (iii) the Woodrow Wilson International Center for Scholars in the Smithsonian Institution;
- (iv) the Institute of Museum and Library Services;**
- (v) the United States Interagency Council on Homelessness;**
- (vi) the Community Development Financial Institutions Fund; and
- (vii) the Minority Business Development Agency.**



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STATE OF RHODE ISLAND; STATE OF  
NEW YORK; STATE OF HAWAII; STATE  
OF ARIZONA; STATE OF CALIFORNIA;  
STATE OF COLORADO; STATE OF  
CONNECTICUT; STATE OF DELAWARE;  
STATE OF ILLINOIS; STATE OF MAINE;  
STATE OF MARYLAND;  
COMMONWEALTH OF MASSACHUSETTS;  
PEOPLE OF THE STATE OF MICHIGAN;  
STATE OF MINNESOTA; STATE OF  
NEVADA; STATE OF NEW JERSEY; STATE  
OF NEW MEXICO; STATE OF OREGON;  
STATE OF VERMONT; STATE OF  
WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States; INSTITUTE OF  
MUSEUM AND LIBRARY SERVICES;  
KEITH E. SONDERLING, in his official  
capacity as Acting Director of the Institute of  
Museum and Library Services; MINORITY  
BUSINESS AND DEVELOPMENT AGENCY;  
MADIHA D. LATIF, in her official capacity as  
Deputy Under Secretary of Commerce for  
Minority Business Development; HOWARD  
LUTNICK, in his official capacity as Secretary  
of Commerce; FEDERAL MEDIATION AND  
CONCILIATION SERVICE; GREGORY  
GOLDSTEIN, in his official capacity as Acting  
Director of the Federal Mediation and  
Conciliation Service; U.S. OFFICE OF  
MANAGEMENT AND BUDGET; RUSSELL  
T. VOUGHT, in his official capacity as Director  
of the Office of Management and Budget;

Defendants.

Case No.: 1:25-cv-

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**REQUEST FOR EMERGENCY  
TEMPORARY RESTRAINING  
ORDER UNDER FEDERAL RULE  
OF CIVIL PROCEDURE 65(B)**



## **DECLARATION OF STACEY ALDRICH**



Pursuant to 28 U.S.C. § 1746, I, Stacey Aldrich, hereby declare as follows:

15. In addition to administering federal funding to states, IMLS also provides the following programs and services through data and grants for research for the development of services and programs that serve communities across the United States. National data collection and analysis of library and museum programs and services is done yearly. The data is used nationally to understand trends and patterns that are affecting our nations libraries and museums, so that data driven decisions can be made. Hawai'i is actively engaged in the collection of data and analysis, which helps us identify strengths and gaps in our services for Hawai'i in comparison to other communities. There are additional grants that are vital to the development and support of libraries and museums, which include: National Leadership Grants, Native American/Hawaiian Library Services, Laura Bush 21st Century Librarian Program, Museums for America, Native American/Native Hawaiian Museum Services. Since 1998, Hawai'i library and museum organizations have received about \$18,000,000 to support projects that collect, digitize and make available important Native Hawaiian collections for today and future generations. For example, the Ulukau online digital repository project has become a cornerstone of Hawaiian knowledge preservation because it makes historical texts, genealogical records and language

resources available worldwide. This would not have been possible without the support of the Native American/Hawaiian grant support. The funding has also supported literacy and digital literacy skill building in the community. In Fiscal Year 2024, Hawai'i library and museum organizations received 9 grants totaling \$1,644,313.

16. The Hawai'i State Public Library System's budget for this year has relied on receiving \$1,541,630, and we made plans and allocated funding for continuing to ensure that our communities across 6 islands have access to resources that cannot be afforded by purchasing separately for each of our 51 library branches based on the anticipated receipt of federal funding promised. For example, Bookflix is an interactive online ebook program that supports the building of early literacy skills. Children and families can read the books or follow along as books are read. There are also comprehensive games to reinforce learning. In Fiscal Year 24, the collection titles were read over 23,000 times. This tool is vital for families who want to make sure their youngest learners are ready for school and can keep improving their reading skills.

**DECLARATION OF STACEY ALDRICH**

Pursuant to 28 U.S.C. § 1746, I, Stacey Aldrich, hereby declare as follows:

24. Hawai'i is located in one of the most remote places one can live on Planet Earth. Our libraries are the only spaces that are opened to everyone and, in some communities, offer the only broadband connectivity. Access to professionally curated information and learning opportunities are vital to the success of students, individuals, and our communities. Without IMLS and the programs and funding described in the Museum and Library Services Act, Hawai'i will lose access to the online resources that extend connections across our islands and support the education, employment, life-long learning, and literacy of our communities.

Executed on March 25, 2025, at Honolulu, Hawai'i.



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STACEY ALDRICH

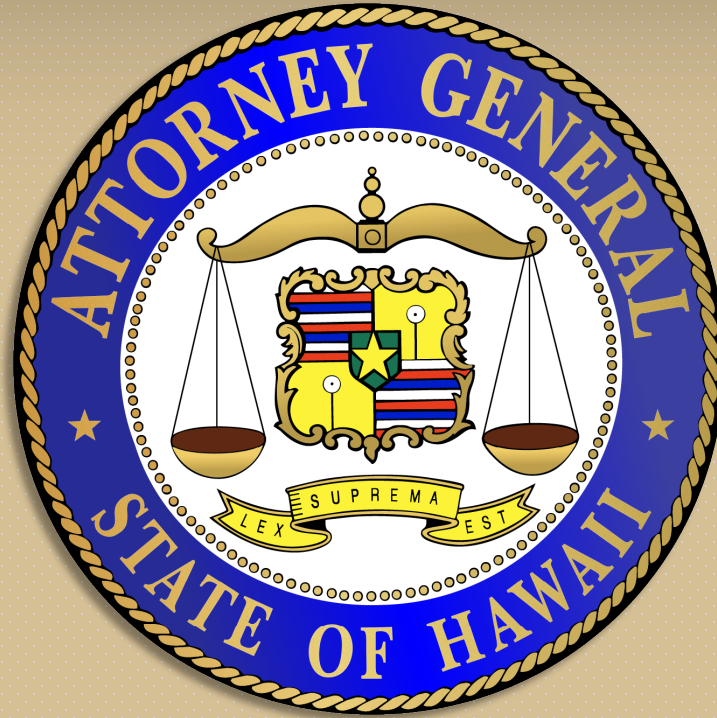
# PROTECTING ELECTIONS, HEALTH, & SAFETY

- **FRTs:** *New Jersey, et al. v. Bondi*, 1:25-cv-01807-PX (D. Md.)
  - Challenge regarding federal government's settlement agreement on forced reset triggers (FRTs).
  - Motion for preliminary injunction withdrawn following commitment by federal government to not return FRTs into Plaintiff States.
- **Reproductive Health:** *California, et al. v. Dep't of Health & Human Services*, 1:25-cv-12118-IT (D. Mass.)
  - Challenge to the Defund Provision in the "Big Beautiful Bill."
  - Litigation ongoing.
- **Gender-Affirming Care:** *Massachusetts, et al. v. Trump*, 1:25-cv-12162 (D. Mass.)
  - Challenge to portion of an Executive Order and actions by DOJ targeting provision of gender-affirming care through threats of civil and criminal prosecution.
  - Litigation ongoing.

# PROTECTING ELECTIONS, HEALTH, & SAFETY

## (CONT.)

- **Access to Programming:** *New York, et al. v. U.S. Dep't of Justice*, 1:25-cv-00345-MSM-PAS (D.R.I.)
  - Challenge to USDOD and other agencies' abrupt change from policy exempting certain aliens from accessing federal programs like Head Start and domestic violence shelters, under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).
  - Motion for preliminary injunction pending.
- **Elections:** *California, et al. v. Trump*, 1:25-cv-10810 (D. Mass)
  - Challenge to presidential authority to impose changes in election law as outlined in EO 14248, titled "Preserving and Protecting the Integrity of American Elections."
  - Preliminary injunction issued, enjoining implementation of sections of EO regarding documentary proof of citizenship and proof of voter eligibility, conditions of funding on adoption of ballot receipt deadlines, enforcement actions against plaintiff states. On appeal.



THANK YOU