

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

GAVIN NEWSOM, *in his official capacity as
Governor of the State of California*; STATE OF
CALIFORNIA,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, *in his official capacity as
President of the United States*; PETE HEGSETH, *in
his official capacity as Secretary of the Department of
Defense*; DEPARTMENT OF DEFENSE,

Defendants-Appellants.

No. 25-3727

CIRCUIT RULE 27-3 CERTIFICATE

The undersigned counsel certifies that the following is the information
required by Circuit Rule 27-3:

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(2) Existence and nature of the emergency

On June 12, district court entered an unprecedented order enjoining the President from deploying National Guardsmen to protect federal officers attempting to enforce federal immigration laws from ongoing violent protests and attacks intended to interfere with those efforts, and to protect federal property from further damage. The accompanying motion requires resolution on an emergency timeframe because the district court's order is an extraordinary intrusion on the President's constitutional authority as Commander in Chief to call forth the National Guard as necessary to protect federal officials, as well as his statutory authority under 10 U.S.C. § 12406 to mobilize state National Guards into federal service to quell riotous mobs committing crimes against federal personnel and property and to protect federal

officials' ability to enforce federal law. The order also puts federal officers in harms' way every minute that it is in place.

The accompanying motion could not have been filed earlier. The district court entered its order on June 12, 2025 at approximately 6:00 pm PT. The federal government noticed this appeal shortly after and filed this motion approximately one hour later at 7:00 PM PT.

(3) Notice to opposing parties

Prior to filing this motion, defendants contacted lead counsel for plaintiffs and informed them of defendants' intent to seek a stay pending appeal. Plaintiffs plan to inform the Court of their position on the motion later this evening. Upon filing this motion, defendants will provide a service copy to plaintiffs' counsel via email.

(4) Relief sought in district court

In opposing plaintiffs' motion for a temporary restraining order, defendants requested that "[t]o the extent the Court issues any injunctive relief," such "relief by stayed pending the disposition of any appeal that is authorized." A232.¹ The district court stayed its order until 12:00 PM PT on June 13, 2025. A295.

¹ Citations to "A" are to the addendum accompanying defendants' stay motion.

/s/ Anna O. Mohan
ANNA O. MOHAN