

No. 25-807

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

STATES OF WASHINGTON, ARIZONA, ILLINOIS, and OREGON,

Plaintiffs-Appellees,

CHERLY NORALES CASTILLO and ALICIA CHAVARRIA LOPEZ, on behalf
of themselves as individuals and others similarly situated,

Plaintiffs-Appellees,

v.

DONALD TRUMP, in his official capacity as
President of the United States, et al.,

Defendants-Appellants.

On Appeal from the U.S. District Court for the Western District of Washington
Case No. 2:25-cv-00127-JCC
The Honorable John C. Coughenour

**PLAINTIFF STATES' MOTION FOR LIMITED REMAND AND
TO HOLD APPEAL IN ABEYANCE**

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Pursuant to Federal Rule of Appellate Procedure 27, the Plaintiff States respectfully ask this Court to order a limited remand for the district court to conduct further proceedings in light of *Trump v. CASA, Inc.*, 606 U.S. __ (2025), and hold the pending appeal before this Court in abeyance until those proceedings conclude.

In *CASA*, the U.S. Supreme Court granted the government’s applications to partially stay the preliminary injunctions issued in this case and similar matters filed in the Districts of Maryland and Massachusetts, “but only to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue.” *CASA*, 606 U.S. __, slip op. at 26. The Supreme Court stated that “[t]he lower courts shall move expeditiously to ensure that, with respect to each plaintiff, the injunctions comport with this rule.” *Id.*

On June 27, 2025, this Court ordered the parties to file simultaneous briefing “addressing the effect, if any,” of *CASA* “on the issues presented in this case” by July 11. Dkt. 145.1.

On July 1, 2025, the federal government stated in the District of Maryland case that it believes that it “may begin to apply Executive Order 14160 to persons covered by the order” beginning on July 27, 2025. Dkt. 104 at 2, *CASA, Inc. v. Trump*, No. 8:25-cv-00201 (D. Md. July 1, 2025).

On July 3, 2025, the U.S. Court of Appeals for the First Circuit—where an appeal of the preliminary injunction entered in the District of Massachusetts also is

pending—issued an order finding it “prudent to remand to the District Court, while retaining [its] jurisdiction over the appeal.” Order of Court, *Doe, et al. v. Trump, et al.*, No. 25-1169 (1st Cir. July 3, 2025). The First Circuit specified that the remand “is for the limited purpose of enabling the District Court to consider the bearing, if any, of that guidance in *CASA* on the scope of the preliminary injunction ... and to act accordingly.” *Id.* And on remand in that case, the federal government must file a memorandum on July 8, 2025 setting out proposed alternative relief along with any supporting declarations, with full briefing and a hearing to be complete by July 18, 2025. *New Jersey v. Trump*, No. 25-cv-10139, Dkts. 185, 186 (D. Mass. June 30 and July 2, 2025).

Absent further order from this Court, the Plaintiff States will file their supplemental brief by the July 11 deadline if this Court believes it necessary. However, consistent with the First Circuit’s limited remand, if the federal government seeks to show that the court can afford the Plaintiff States complete relief with a narrower injunction, they should make that showing in the first instance in the district court. This will allow the parties to develop the record and arguments as appropriate in light of *CASA* and crystallize the issues for this Court’s review. Meanwhile, retaining jurisdiction will allow this Court to promptly resolve the present appeal once district court proceedings conclude.

Accordingly, the Plaintiff States ask this Court to vacate its order for supplemental briefing, order a limited remand to the district court for further proceedings in light of *CASA*, and order the parties to immediately notify this Court once those district court proceedings have completed, at which time the Court can set a supplemental briefing schedule.

The Court may rule on this procedural request “without awaiting a response.” Fed. R. App. P. 27(b). Alternatively, the Plaintiff States ask this Court to shorten the time for Defendants’ response and direct any response to be filed by Monday, July 7, 2025. *See* Fed. R. App. P. 27(a)(3)(A). Prompt action is in the interests of justice in light of the federal government’s assertion that it may begin implementing the Executive Order on July 27, 2025.

The Plaintiff States have sought the government’s position regarding next steps in this case, and it is the Plaintiff States’ understanding that the government opposes a remand, consistent with its public position in the First Circuit appeal. The Plaintiff States were unable to reach the Individual Plaintiffs for their position due to the holiday.

RESPECTFULLY SUBMITTED this 4th day of July, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on July 4, 2025, I electronically filed the foregoing brief with the Clerk of the Court by using the Appellate Case Management System. I further certify that the participants in the case are ACMS users and that service will be accomplished by using the ACMS system.

DATED this 4th day of July, 2025.

s/ Joshua D. Bendor

JOSHUA D. BENDOR