

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GAVIN NEWSOM, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 25-cv-04870-CRB

**BRIEFING ORDER RE: MOTION
FOR PRELIMINARY INJUNCTION
(dkt. 183)**

On September 2, 2025, Plaintiffs moved for a preliminary injunction “to enjoin [Defendants’] August 5, 2025 order federalizing and deploying 300 members of the California National Guard until November 5, 2025.” MPI (dkt. 183) at 7. Plaintiffs contend that Defendants failed to satisfy the statutory requirements of 10 U.S.C. § 12406 for this August 5 federalization order. *Id.* at 9–13. Plaintiffs also seek expedited briefing because of the upcoming special election in California; they hope to have this motion fully briefed and heard before ballot drop-off locations open on October 7, 2025. *See* Mot. to Shorten Time (dkt. 184) at 2. Defendants oppose expedited briefing. *Id.* at 3.

Plaintiffs further assert that this Court has jurisdiction, even though the Ninth Circuit has before it Defendants’ appeal of this Court’s June 12, 2025 order related to whether Defendants’ initial federalization of the California National Guard satisfied 10 U.S.C. § 12406. MPI at 8. The Court intends to be sure of its jurisdiction before proceeding with Plaintiffs’ motion. Accordingly, the Court **ORDERS** Defendants to file a response brief of no more than 5 pages limited to the question of this Court’s jurisdiction by noon on Friday, September 5, 2025. Plaintiffs may file a reply brief, also limited to 5 pages and to the jurisdictional issue, by noon on Monday, September 8, 2025.

IT IS SO ORDERED.

Dated: September 3, 2025



CHARLES R. BREYER
United States District Judge

United States District Court
Northern District of California

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