

No. 25-6268

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

STATE OF OREGON, et al.,
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, *in his official capacity as President of the United States*, et al.,
Defendants-Appellants.

On Appeal from the United States District Court
for the District of Oregon

MOTION TO DISMISS APPEAL

Defendants-Appellants respectfully request that the Court dismiss this appeal from the district court's order granting a putative temporary restraining order barring the federalization and mobilization of the Oregon National Guard until October 18, 2025, which was subsequently extended to November 1, 2025. *See* Dist. Ct. Dkt. Nos. 56, 85. That injunctive order expired by its terms on November 1, 2025. Following expiration of the temporary restraining order, the district court issued a new preliminary injunction. Dist. Ct. Dkt. No. 134. This appeal from the temporary restraining order is thus now moot. Defendants-Appellants accordingly move to dismiss the appeal, and respectfully request that the parties be ordered to bear their own fees and costs. Plaintiffs-Appellees state that they oppose this motion and intend to file a response.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit in Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 126 words. This brief also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it was prepared using Word for Microsoft 365 in Garamond 14-point font, a proportionally spaced typeface.

/s/ Andrew M. Bernie

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