

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](#)**ORDER LIFTING STAY AND
SETTING BRIEFING SCHEDULE**

On September 2, 2025, Plaintiffs Gavin Newsom and the State of California moved for a preliminary injunction in connection with Secretary Hegseth's August 5, 2025 order extending the federalization of approximately 300 California National Guard members. See MPI (dkt. 183). This Court stayed all proceedings related to that motion until the Ninth Circuit determined that the motion should be heard in the district court in the first instance. See Stay Order (dkt. 192). Following the Ninth Circuit's determination that this Court has jurisdiction over the motion, see USCA Order (dkt. 204), Plaintiff moved the Court to lift the stay, see Mot. (dkt. 207).

Good cause appearing therefor, the Court GRANTS the motion to lift the stay¹ and SETS the following expedited briefing schedule:

- Plaintiffs may file an updated motion² for preliminary injunction in

¹ The Court therefore DENIES Defendants' September 25, 2025 motion to stay all proceedings pending resolution of all appellate proceedings regarding 10 U.S.C. § 12406. See Mot. to Stay (dkt. 197).

² Plaintiffs' motion to lift stay refers to facts that occurred after Plaintiffs filed the September 2, 2025 motion, including Defendants' October 5, 2025 transportation of 100 federalized California National Guard soldiers to Portland. See Mot. at 3–4. The Court desires an updated motion that includes all relevant facts.

connection with the August 5, 2025 federalization order within ten days of this order.

- Defendants may file an opposition brief within five days of Plaintiffs' filing of the motion.
- Plaintiffs may file a reply brief within three days of Defendants' filing of the opposition.
- In the event that the Ninth Circuit or Supreme Court issues a ruling on these matters before this Court rules on the motion, the Court will consider entertaining supplemental briefing on the implications of such a ruling.

IT IS SO ORDERED.

Dated: November 4, 2025



CHARLES R. BREYER
United States District Judge