

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 19 2025

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STATE OF OREGON; CITY OF
PORTLAND; STATE OF CALIFORNIA,

Plaintiffs - Appellees,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
PETER HEGSETH, in his official capacity
as Secretary of Defense; UNITED STATES
DEPARTMENT OF DEFENSE; KRISTI
NOEM, in her official capacity as Secretary
of Homeland Security; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY,

Defendants - Appellants.

Nos. 25-6268, 25-7194

D.C. No.

3:25-cv-01756-IM

District of Oregon,

Portland

ORDER

MURGUIA, Chief Judge:

Appeal Nos. 25-6268 and 25-7194 are consolidated.

The court has received the government's emergency motion for stay pending appeal in Appeal No. 25-7194. Docket Entry No. 6. The request for a partial administrative stay is granted. The district court's November 7, 2025, permanent injunction is temporarily stayed to the extent that it enjoins the federalization of the Oregon National Guard pending further order of the court. The court's

administrative stay “is only intended to preserve the status quo until the substantive motion for a stay pending appeal can be considered on the merits, and does not constitute in any way a decision as to the merits” of the appeal. *See Doe #1 v. Trump*, 944 F.3d 1222, 1223 (9th Cir. 2019).

The government is directed to file weekly status reports regarding the current status of any federalized Oregon National Guard, including updates on the defederalization of any troops.

Briefing on the government’s emergency motion for stay pending appeal is stayed pending the United States Supreme Court’s ruling on the government’s application for a stay in *Trump v. Illinois*, No. 25A443. Once the Supreme Court rules in that matter, this court will promptly set an expedited briefing schedule to allow for consideration of the emergency motion for stay pending appeal. The principal briefing schedules currently in place are vacated and will be reset upon further order of the court.