

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, *et al.*,

Plaintiffs,

v.

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES, *et al.*,

Defendants.

Civil Action No. 25-CV-03777-ABA

NATIONAL COUNCIL OF JEWISH
WOMEN, GREATER NEW ORLEANS
SECTION,

Plaintiff,

v.

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES, *et al.*,

Defendants.

Civil Action No. 25-CV-03675-ABA

**REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION OF THE
NATIONAL COUNCIL OF JEWISH WOMEN, GREATER NEW ORLEANS SECTION**

INTRODUCTION

Plaintiff National Council of Jewish Women, Greater New Orleans Section has demonstrated that the Voter Assistance Ban violates the law. The Ban was adopted to discriminate based on Plaintiff's viewpoint and the national origins of the people Plaintiff serves, in violation of the First and Fifth Amendments. The Ban also violates the Administrative Procedure Act (APA): it was adopted without notice, public input, or any cogent explanation for Defendants' reversal of a policy on which Plaintiff had long relied to welcome naturalized citizens to the franchise.

Defendants respond by changing the subject. They do not materially contest Plaintiff's evidence. Instead, they attempt to reframe the issues and invoke meritless procedural roadblocks to relief—standing, deference, and narrow exceptions to judicial review—to avoid the simple question this case presents: whether Defendants can reverse a longstanding policy for unlawful reasons without adequate administrative process. Both the law and the record—where the core facts remain undisputed—confirm that they cannot.

Plaintiff has standing to pursue each of its claims, both as an organization and on behalf of its members. The Ban categorically bars Plaintiff and its members from engaging in protected expression and directly impedes Plaintiff from providing a core service central to its mission—harm the requested injunction would reverse. Despite Defendants' efforts to muddy the water by recasting Plaintiff's injury, this establishes standing. Nor can Defendants succeed on the merits, where their arguments rely on misapprehension of the law and the nature of Plaintiff's claims. As for their remaining efforts to avoid relief, none can be squared with the evidence or the law.

Ultimately, Defendants' response confirms that this is a straightforward case on a largely undisputed record. Preliminary relief should issue.

ARGUMENT

I. Plaintiff has standing to assert its claims.

Defendants’ approach to standing reflects the weakness of their position. Although standing occupies much of their brief, Defendants never dispute—or even address—the concrete harms Plaintiff asserts. Instead, Defendants attempt to portray Plaintiff’s injuries as abstract policy disputes or injuries to others. The record forecloses this reframing. *See, e.g.*, NCJW App. (Dkt. 20-2) at App.6–13 (Decl. of Joy Willig ¶¶ 6–10, 12, 14–19, 44–48). Plaintiff has standing to challenge the Voter Assistance Ban under the First Amendment because it bars Plaintiff and its members from operating a longstanding program core to its mission. That injury is concrete, traceable to Defendants’ policy, and redressable by injunctive relief.

A. Plaintiff has standing to bring its Fifth Amendment claims.

The Ban excludes Plaintiff as a means of discriminating against a disfavored group based on national origin. *See* NCJW Mem. (Dkt. 20-1) at 12–22. That injury belongs to Plaintiff, even if the discriminatory motive targets the people Plaintiff serves.

Courts have long recognized that a plaintiff who is denied a benefit for discriminatory reasons has “suffered injury to [its] right to be free from official discrimination,” regardless of whether the plaintiff is a member of the disfavored group. *Scott v. Greenville County*, 716 F.2d 1409, 1415 (4th Cir. 1983). Applying that principle, courts regularly permit organizations and individuals to challenge discriminatory policies that penalize them based on whom they serve. *See, e.g., id.* at 1413–15 (developer had standing to challenge a permit denial that was “motivated by a racially discriminatory intent to prevent him from building housing for and renting to members of racial minorities”); *Mhany Mgmt., Inc. v. County of Nassau*, 819 F.3d 581 (2d Cir. 2016) (nonprofit housing developer could challenge a zoning decision motivated by an intent to exclude racial minorities under the Equal Protection Clause); *see also Havens Realty Corp. v. Coleman*, 455 U.S.

363, 379 (1982) (organization had standing to sue a company that discriminated against Black renters, which “perceptibly impaired” the organization’s services). That is precisely the case here—because Defendants disfavor immigrants, they have discriminated against Plaintiff by denying NGOs the opportunity to register new citizens.

Instead of engaging with this straightforward basis for standing, Defendants erect hurdles the law does not support—principally by relocating *Plaintiff’s* injury to the naturalized citizens it serves. Thus, Defendants insist that, to prove injury, Plaintiff must “identify” a naturalized citizen who “was prevented from voting or registering” by the Ban. Opp. at 18. But Plaintiff does not claim to have standing based on injuries to naturalized citizens (though they are most certainly injured); it asserts standing based on *its own* exclusion from a government forum for discriminatory reasons. *See Scott*, 716 F.2d at 1414.

Defendants repeat the same mistake with respect to redressability. They contend that Plaintiff must show that “an injunction would prevent the government from interfering in newly naturalized citizens’ exercise of the franchise.” Opp. at 19. But Plaintiff seeks an injunction that remedies its own injury—by removing the barrier imposed by the Ban—not a guarantee of downstream effects on naturalized citizens’ right to vote. *See* NCJW Mot. for Prelim. Inj. (Dkt. 20) at 1–2; NCJW Prop. Order (Dkt. 20-3); *see also Voto Latino v. Hirsch*, 712 F. Supp. 3d 637, 657 (M.D.N.C. 2024) (“[T]he court must consider standing with respect to the requested relief.” (citing *Town of Chester v. Large Estates, Inc.*, 581 U.S. 433, 439 (2017))).

Defendants’ reliance on third-party standing doctrine similarly reinvents Plaintiff’s claims. By Defendants’ account, Plaintiff asserts its Fifth Amendment claims “*on behalf of* the new citizens they seek to engage at naturalization ceremonies.” Opp. at 18. But Plaintiff does not seek to vindicate the rights of absent third parties. It seeks relief from a Ban enforced *directly against*

Plaintiff. That an injunction would also benefit new citizens by allowing Plaintiff to assist them with voter registration does not transform Plaintiff's direct claims into vicarious ones. Organizations routinely establish standing to challenge restrictions that impede their ability to help others to exercise their constitutional rights, including the right to vote. *See, e.g., Coal. for Open Democracy v. Scanlan*, 794 F. Supp. 3d 28, 40–42 (D.N.H. 2025) (organizations had standing to challenge voting restrictions as unlawful burden on voters' rights under First and Fourteenth Amendments because, by imposing those burdens, the restrictions interfered with their voter registration program); *Voto Latino*, 712 F. Supp. 3d at 656–58 (organization had standing to challenge restriction that would disenfranchise voters because it would hinder its voter registration and advocacy efforts); *League of Women Voters of S.C. v. Andino*, 497 F. Supp. 3d 59, 75–76 (D.S.C. 2020) (organization had standing where officials failed to provide notice and process when rejecting voters' absentee ballots, which impeded the organization's ability to assist those voters).

The nature of Plaintiff's injury—a direct harm to the organization itself—also dooms Defendants' reliance on *Kowalski v. Tesmer*, 543 U.S. 125 (2004). *Kowalski* concerned plaintiffs who were not themselves regulated by the challenged policy, but sought to litigate the rights of absent third parties, asserting standing based on their own downstream harms. *Id.* at 127–34. Plaintiff here is the *object* of the Voter Assistance Ban, not a collateral bystander. And even if third party standing principles applied—which they do not—*Kowalski* expressly distinguishes cases like this one, where the challenged restriction is enforced “*against the litigant.*” *Id.* at 130; *see also June Med. Servs., LLC v. Russo*, 591 U.S. 299, 316–20 (2020) (plurality opinion) (confirming that

Kowalski does not bar suits by plaintiffs who are themselves regulated by the challenged law), *abrogated on other grounds by Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022).¹

B. Plaintiff has standing to bring its First Amendment claims.

For years, Plaintiff provided voter-registration assistance at administrative naturalization ceremonies—one of the primary services it offers and a central way it communicates its message of civic inclusion to new Americans. *See* NCJW Mem. at 5–6, 8. The Ban categorically bars Plaintiff from doing so. When unlawful government action “perceptibly impair[s]” an organization’s ability to carry out its core activities or impedes its ability to convey its message, Article III standing is satisfied. *Havens*, 455 U.S. at 379; *see White Tail Park, Inc. v. Stroube*, 413 F.3d 451, 461 (4th Cir. 2005) (organization had standing to challenge a law limiting its ability to disseminate its message under the First Amendment).

Defendants do not dispute this. Instead, they contend that Plaintiff lacks standing because the First Amendment does not guarantee a right to speak “at all times and places,” and Plaintiff therefore has no entitlement to access administrative naturalization ceremonies. Opp. at 2, 13 (quoting *Heffron v. Int’l Soc’y for Krishna Consciousness, Inc.*, 452 U.S. 640, 647 (1981)). That argument misunderstands Plaintiff’s injury. Plaintiff does not assert an absolute right of access to government property; it challenges its categorical exclusion from a forum for impermissible reasons. When the government unlawfully “erects a barrier” to participation, a plaintiff “need not

¹ Though inapplicable, Plaintiff would satisfy *Kowalski*’s requirements. Plaintiff has a “close” relationship with the naturalized citizens it serves because enforcement of the Ban against Plaintiff “result[s] indirectly in the violation of [naturalized citizens’] rights” by denying them assistance they would receive absent the discriminatory policy. *Kowalski*, 543 U.S. at 131 (citation omitted). And there is certainly a “hindrance” to suit for prospective new Americans, who would need to seek prospective relief *before* they are naturalized, and they may be chilled from doing so for fear that challenging the very agency processing their application could compromise their naturalizations, particularly in the current climate. *See Singleton v. Wulff*, 428 U.S. 106, 117–18 (1976) (plurality opinion); *see also* NCJW Mem. at 18–21.

[establish] that [it] would have obtained the benefit but for the barrier.” *Ne. Fla. Chapter of Assoc. Gen. Contractors v. City of Jacksonville*, 508 U.S. 656, 666 (1993). The injury is the unlawful imposition of the barrier, not the inability to secure a particular outcome. *Id.*; accord *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 261 (1977).

Nor must Plaintiff show that it has nowhere else to express its views. *See* Opp. at 13–14. The denial of a particular opportunity to speak—or even the reduction of the speaker’s audience—constitutes a cognizable First Amendment injury, even if the plaintiff is not fully silenced. *See White Tail Park, Inc.*, 413 F.3d at 461. The theoretical existence of other ways to express Plaintiff’s message does not negate the injury caused by eliminating “the single most effective—and arguably, the only—setting where organizations can reach large numbers of newly naturalized citizens at once.” NCJW Mem. at 27. In any event, Plaintiff *has* shown there is no comparable alternative to reach new citizens and help them register. *See, e.g.*, App.9, 12 (Decl. ¶¶ 24, 42–45).

C. Plaintiff has organizational and associational standing.

Defendants’ remaining organizational standing arguments amount to recasting Plaintiff’s concrete injuries as abstract policy disagreements. Opp. at 14, 17. The record forecloses that characterization. Plaintiff does not assert a generalized interest in encouraging civic participation; it challenges a barrier to a specific, longstanding program that constitutes one of its core services and means of expression. *See* NCJW Mem. at 5–7, 12–13, 34; *Havens*, 455 U.S. at 379.²

Plaintiff also has associational standing. Defendants dispute this because, by their account, Plaintiff “fail[ed] to specifically identify” a member who was injured. Opp. at 17. But Plaintiff did identify such a member—and submitted her declaration. *See* App.6 (Decl. ¶ 3). That member,

² Defendants’ arguments based on *Food & Drug Admin. v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024), are inapplicable. Plaintiff does not claim standing based on voluntary diversion of resources to oppose the Ban, but because the Ban directly impairs its mission. *See id.* at 395.

alongside numerous others, helped develop Plaintiff's program; participated as a volunteer; and expressed a message, consistent with Plaintiff's mission and the Jewish faith, that new citizens' voices matter. *Id.* ¶¶ 5–9, 19–42. The Ban now bars her from doing this. *Id.* ¶ 48. That is sufficient for standing. *See, e.g., Fla. Decides Healthcare, Inc. v. Byrd*, 790 F. Supp. 3d 1335, 1349 (N.D. Fla. 2025) (organizations had associational standing where at least one member who would otherwise participate in its petition circulation efforts could not because of challenged restrictions).

II. Plaintiff is likely to succeed on the merits.

A. Plaintiff is likely to prevail on its Fifth Amendment claim.

Plaintiffs' Fifth Amendment claims stand materially undisputed. Defendants do not contest the evidence of officials' animus or the pattern of targeted actions against naturalized citizens. Nor do they dispute what this evidence shows: "a clear pattern, unexplainable on grounds other than" invidious intent. *Arlington Heights*, 429 U.S. at 266. And beyond recycling their original implausible rationales, they do not even attempt to justify the Ban on non-discriminatory grounds. Instead, Defendants rewrite the governing standard, demanding proof the law does not require.

Defendants falter from the start by misreading *Arlington Heights*. They claim that *Arlington Heights* requires a showing of both discriminatory intent *and* "racially disproportionate impact[.]" Opp. at 26 (alteration in original) (quoting *Arlington Heights*, 429 U.S. at 264–65). It does not. The impact of official action may be *probative* of discriminatory intent, but disparate impact is not itself an *element* of an equal protection violation. *Arlington Heights*, 429 U.S. at 265–66; *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 220 (4th Cir. 2016). In any event, Plaintiff has shown disparate impact here. *Arlington Heights* instructs courts to consider whether "the impact of the official action . . . bears more heavily on one [protected group] than another." 429 U.S. at 265–66 (citation modified). The Ban does so: it eliminates voter registration assistance provided exclusively to naturalized citizens.

Defendants’ substantive due process arguments ignore the record. Defendants assert that “[t]he decision not to seek the assistance of a particular outside organization” to provide voter registration assistance at administrative naturalization ceremonies “clearly does not” shock the conscience. Opp. at 27. Perhaps not—but that is not Plaintiff’s claim. The Ban violates substantive due process because it was instituted to discriminate against naturalized citizens by excluding those who would help them access the franchise. *See* NCJW Mem. at 14–21. Official discrimination of this sort has long been recognized as conduct that shocks the conscience. *See CASA de Md., Inc. v. Trump*, 355 F. Supp. 3d 307, 327 (D. Md. 2018).

B. Plaintiff is likely to prevail on its First Amendment claim.

Defendants devote most of their First Amendment discussion to an issue Plaintiff does not dispute: whether administrative naturalization ceremonies are a nonpublic forum. Opp. at 22–23. This question is immaterial. In *any* forum, the government cannot impose restrictions that discriminate based on viewpoint or that are unreasonable in light of the forum’s purpose. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 809 (1985). In both respects, the Ban fails to meet that standard. *See* NCJW Mem. at 23–28.

Here again, Defendants leave Plaintiff’s claims largely uncontested. They do not engage with Plaintiff’s evidence that the Ban discriminates based on viewpoint. *See* NCJW Mem. at 25. And although Defendants bear the burden to show that any restrictions on protected expression are reasonable in light of the forum’s purpose and surrounding circumstances, *Multimedia Publ’g Co. of S.C. v. Greenville-Spartanburg Airport Dist.*, 991 F.2d 154, 159 (4th Cir. 1993), they sidestep Plaintiff’s arguments about the forum’s purpose (which contemplates NGOs’ participation) and the burden on Plaintiff (which is substantial), without addressing them. *See* NCJW Mem. at 26–28. Nor do they counter any of Plaintiff’s arguments about the deficient explanations that accompanied the Ban. *See* NCJW Mem. at 19–21.

Instead, Defendants suggest that the key question is whether the restriction creates “confusing line-drawing problems”—then declare victory because the Ban excludes *all* NGOs from assisting with voter registration. Opp. at 23–24 (citation omitted). But that is not the test for reasonableness, which requires a holistic assessment of the restriction, its context, and the burden it imposes. *Multimedia Publ’g Co.*, 991 F.2d at 159. Nor can Defendants evade the undisputed evidence of viewpoint discrimination merely because the exclusion they impose is total.

Defendants’ only other response is to restate the *exact same* justifications that appear in the Policy Alert announcing the Ban, *see* Opp. at 25–26—justifications that are internally inconsistent, contrary to the record, and thus themselves probative of an unlawful motive, *see* NCJW Mem. at 17, 19–21, 36. They do not explain, for example, how a “preference for ‘state or local government election officials,’” Opp. at 25 (alteration omitted), justifies banning a policy designed to fill the gap *when those officials are unavailable*. They provide no concrete facts about any “administrative burden,” despite submitting declarations from two senior USCIS officials, offering only that the term “political activity” can be “complex[.]” Opp. at 25; *see* Stiefel Decl. (Dkt. No. 27-1); Young Decl. (Dkt. No. 27-2). And they do not clarify how vetting NGOs for voter registration assistance imposes an administrative burden that vetting NGOs for *other* forms of participation—which are still permitted—does not. *See* NCJW Mem. at 21. Defendants’ omissions concede these deficits, even as Defendants recycle their rationales. Such faulty justifications neither undermine the inference of viewpoint discrimination nor satisfy Defendants’ burden to show reasonableness.

C. Plaintiff is likely to prevail on its APA claims.

The Voter Assistance Ban is reviewable and was adopted without adequate procedures and reasoned decisionmaking in violation of the APA.

1. The Voter Assistance Ban is not subject to the “very narrow exception” to judicial review in 5 U.S.C. § 701(a)(2).

Defendants’ claim that the Ban is unreviewable under § 701(a)(2) misunderstands both the nature of the Ban and the narrow scope of § 701(a)(2). The APA creates “a ‘strong presumption’ in favor of judicial review of agency action.” *Speed Mining, Inc. v. Fed. Mine Safety & Health Rev. Comm’n*, 528 F.3d 310, 316 (4th Cir. 2008) (citation omitted). Section 701(a) creates narrow exceptions to this presumption, including when the “agency action is committed to agency discretion by law.” 5 U.S.C. § 701(a)(2). To determine whether an agency action falls within the scope of this “very narrow exception,” *Speed Mining*, 528 F.3d at 317, courts examine whether the agency action is “of the sort that is traditionally unreviewable,” *Holbrook v. Tenn. Valley Auth.*, 48 F.4th 282, 289 n.7 (4th Cir. 2022). The textbook example of such an agency action is where an agency that has authority to assert enforcement power declines to assert it over a particular individual or entity. *See Casa De Maryland v. U.S. Dep’t of Homeland Sec.*, 924 F.3d 684, 698 (4th Cir. 2019). Because such “[n]on-enforcement decisions . . . generally do not involve the exercise of ‘coercive power over an individual’s liberty or property rights,’” and share “characteristics of the decision of a prosecutor,” which “has long been regarded as the special province of the Executive Branch,” they therefore have “traditionally been committed to agency discretion.” *Id.* (emphasis omitted) (quoting *Heckler v. Chaney*, 470 U.S. 821, 832 (1985)).

But even in these cases, courts distinguish between “single-shot enforcement decisions”—which courts find unreviewable—and agency actions that, like here, “express a broad or general . . . policy”—which courts consistently find reviewable. *Id.* at 699; *see also, e.g., Kenney v. Glickman*, 96 F.3d 1118, 1123 (8th Cir. 1996) (concluding that the exception in 702(a)(2) applies “to individual, case-by-case determinations . . . rather than permanent policies or standards”). The Ban is not a non-enforcement decision or other agency action that enjoys a tradition of

nonreviewability; it is a categorical reversal of a longstanding, broadly applicable policy that directly impacts individual rights.

Defendants' reliance on *Holbrook* underscores the point. There, the Fourth Circuit found that the agency action at issue fell within § 702(a)(2)'s exception only when three factors were met: [1] the "action[] involve[d] complicated balancing of a number of factors which are peculiarly within [the agency's] expertise;" [2] the action "d[id] not involve the use of coercive power, which means [it] will not trigger the traditional rights-protecting duties of the federal courts"; and [3] "most importantly," the action "enjoy[s] a tradition of nonreviewability." 48 F.4th at 290 (third alteration in original) (citation modified).

Beginning with the "most important" factor, Defendants do not even attempt to argue that the Ban's reversal of longstanding policy falls within a tradition of nonreviewability. To the contrary, courts routinely review whether agencies have adequately justified policy changes like this one. *See, e.g., Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016) ("When an agency changes its existing position, it . . . [must] show that there are good reasons for the new policy" (citation modified)).³ Nor do *Holbrook*'s remaining factors aid Defendants. This is not a case in which the agency action at issue "d[oes] not involve the use of coercive power." 48 F.4th at 290. The Ban violates Plaintiff's constitutional rights, *see supra* §§ II.A–B, "trigger[ing] the . . . rights-protecting duties of the . . . courts." *Holbrook*, 48 F.4th at 290. And apart from Defendants' unsupported assertions of administrative burden, nothing about the Voter Assistance Ban is

³ Even "[w]hen the best reading of a statute is that it delegates discretionary authority to an agency," courts must "ensur[e] the agency has engaged in reasoned decisionmaking" in order to "uphold[] the traditional conception of the judicial function that the APA adopts." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 395–96 (2024) (internal quotation omitted). Thus, Defendants' claim that there is no manageable standard to apply here, *see Opp.* at 31, also fails.

“peculiarly []in the agency’s expertise.” *Id.* Defendants therefore cannot duck behind § 701(a)(2) to evade judicial review.

2. The Voter Assistance Ban is arbitrary and capricious.

An agency’s action is arbitrary and capricious when the agency does not articulate “a rational connection between the facts found and the choice made.” *Ohio v. EPA*, 603 U.S. 279, 292 (2024) (citation omitted). The Ban fails that standard: the justifications USCIS offered in its Policy Alert announcing the Ban were illogical, contradictory, and insufficiently explained. *See* NCJW Mem. at 29–31. Yet nearly a month after Plaintiff identified these pretextual justifications in its brief, Defendants offer *no* new evidence—or even explanation—to justify the Ban. Instead, Defendants restate the same flawed justifications without addressing any of the issues Plaintiff raised, even in argument. *See supra* at 9; *see also* NCJW Mem. at 19–21. Notably, the two USCIS officials who submitted declarations have not explained basic facts within their purview, such as how vetting NGOs to provide voter-registration services imposed an administrative burden on USCIS officials—and why vetting NGOs who provide *other* services at naturalization ceremonies somehow does not. *See* Stiefel Decl. (Dkt. 27-1); Young Decl. (Dkt. 27-2); *see also* NCJW Mem. at 30. By leaving Plaintiff’s arguments and evidence unanswered, Defendants confirm that the Ban is an unreasonable agency decision that must be set aside. *See* 5 U.S.C. § 706(2)(A).

3. Defendants concede that they failed to provide notice and an opportunity for comment.

Defendants concede that USCIS adopted the Voter Assistance Ban without notice or an opportunity for comment. *See* Opp. at 32. As Defendants admit, the APA requires agencies to use the same procedures to amend or repeal a rule as they used to adopt it. Opp. at 32 (quoting *Perez v. Mortg. Bankers Ass’n*, 575 U.S. 92, 101 (2015)). And as Defendants also confirm, when USCIS implemented the 2011 policy permitting NGOs to provide voter registration assistance at

administrative naturalization ceremonies, “USCIS solicited feedback . . . on the USCIS website.” Stiefel Decl. (Dkt. 27-1) ¶ 12. At that time, these “public comments were frequently reviewed and USCIS, in some instances, adjusted policies or issued ‘final’ modified policies in response to public feedback.” *Id.* None of these procedures accompanied the Ban. *See Opp.* at 32. The public received no notice, and it had no opportunity—formal or otherwise—to offer its feedback. *Id.* Thus, by Defendants’ own account, the Voter Assistance Ban is procedurally invalid.⁴

III. Plaintiff has suffered irreparable harm.

Plaintiff has established irreparable harm. Where a plaintiff shows a strong likelihood of success on constitutional claims involving discrimination or the loss of First Amendment freedoms, irreparable harm follows as a matter of law. *See, e.g., Leaders of a Beautiful Struggle v. Balt. Police Dep’t*, 2 F.4th 330, 346 (4th Cir. 2021) (en banc) (“Because there is a likely constitutional violation, the irreparable harm factor is satisfied.”). Moreover, the Ban inflicts harms that cannot be remedied after the fact. Plaintiff has already been barred from naturalization ceremonies and lost the opportunity to assist new citizens—opportunities Plaintiff cannot reclaim. NCJW Mem. at 12–13, 34. That harm will persist for as long as the Ban remains in effect. *Id.* These are precisely the sorts of harms that courts consistently find are irreparable. *See, e.g., Hughes Network Sys., Inc. v. InterDigital Commc’ns Corp.*, 17 F.3d 691, 693 (4th Cir. 1994).

Defendants’ arguments address none of this, searching instead for an off-ramp from the settled law and uncontested facts. Defendants contend, for instance, that Plaintiff cannot show irreparable harm without pointing to specific registration deadlines—a position no court has taken, least of all in the opinion Defendants cite. *See Opp.* at 37–38 (citing *League of Women Voters of*

⁴ Because Plaintiff’s constitutional claims succeed, *see supra* §§ II.A–B, Plaintiff’s claim under 5 U.S.C. § 706(2)(B)—which requires courts to “set aside” any agency action that is “contrary to constitutional right[s]”—does too.

U.S. v. Newby, 838 F.3d 1, 6 (D.C. Cir. 2016)). In that case, the court noted that once deadlines pass, ““there c[ould] be no do over and no redress.”” *Newby*, 838 F.3d at 9 (quoting *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014)). The same is true here; with every administrative naturalization ceremony that passes, Plaintiff loses the chance to help the new citizens there register to vote. *See* App.8, 12–13 (Decl. ¶¶ 17–18, 45).

Defendants’ suggestion that Plaintiff unreasonably delayed before seeking relief fails too. After the Ban was adopted, Plaintiff attempted to offer its programming outside of administrative naturalization ceremonies before turning to the courts. App.12–13. These efforts reflect diligence, not delay. *See NAACP-Greensboro Branch v. Guilford Cnty. Bd. of Elections*, 858 F. Supp. 2d 516, 528 (M.D.N.C. 2012) (where a plaintiff “attempts to . . . find an alternate remedy before filing for a preliminary injunction, they have not exhibited a lack of diligence”). And the brief four-month interval during which Plaintiff undertook these efforts is insufficient to foreclose equitable relief. *See Gold v. Eng’g Contractors Inc.*, 831 F. Supp. 2d 856, 860 (D. Md. 2011) (“[A] four month[] . . . lapse by itself does not warrant a denial of injunctive relief”).

IV. The equitable factors strongly favor granting Plaintiff preliminary relief.

The remaining equitable factors strongly favor relief. Defendants’ asserted interests—uniformity, administrative burden, and avoidance of confusion—repeat the same unsupported assertions they offered when the Ban was adopted. *See supra* at 9. On the other hand, Plaintiff will be irreparably harmed so long as the Ban remains in place. *See supra* Part III. Moreover, “upholding constitutional rights” and “permitting as many qualified voters to vote as possible” serve the public interest. *League of Women Voters of N.C.*, 769 F.3d at 247–48 (citations omitted). Defendants’ failure to “identify a concrete harm,” let alone one “that outweighs Plaintiff’s harm,” tips “the balance of equities [in Plaintiff’s] favor[.]” *Viper Publ’g, LLC v. Bailey*, No. 3:17-CV-00314-GCM, 2021 WL 956231, at *3 (W.D.N.C. Jan. 12, 2021).

V. This Court need not limit the scope of preliminary relief.

Defendants’ effort to limit relief to Plaintiff’s members misunderstands both the APA and this Court’s authority. Defendants rely on *Trump v. CASA, Inc.*, to argue that this Court must restrict any injunctive relief to Plaintiff’s identified members alone, and no one else. *See* Opp. at 40–41 (citing 606 U.S. 831, 856 (2025)). But this claim has been flatly rejected by “every [] court to consider this issue since *CASA*.” *Am. Fed’n of Tchrs. v. Dep’t of Educ.*, 796 F. Supp. 3d 66, 119 & n.19 (D. Md. 2025) (collecting cases). Instead, “[w]hen a reviewing court determines that agency regulations are unlawful, the ordinary result is that the rules are vacated—not that their application to individual petitioners is proscribed.” *Corner Post, Inc. v. Bd. of Governors of Fed. Rsrv. Sys.*, 603 U.S. 799, 831 (2024) (Kavanaugh, J., concurring) (citation omitted).⁵

VI. A security bond is inappropriate in this case.

No security bond is warranted for two reasons: first, “[t]he APA has no bond requirement,” *City of Columbus*, 796 F. Supp. 3d at 177 (collecting authorities); and second, “[w]hen the assertion of substantial cost to the government is unsupported and speculative, courts have declined to impose a bond,” *CASA, Inc. v. Trump*, 793 F. Supp. 3d 687, 701–02 (D. Md. 2025) (citation modified). Defendants “offer[] *no specifics* about the financial harm they claim a preliminary injunction will impose.” *Id.* at 701. Absent such evidence, no bond is appropriate.

CONCLUSION

For the foregoing reasons, and those in Plaintiff’s Motion for Preliminary Injunction and supporting briefing and materials, the Court should preliminarily enjoin the Voter Assistance Ban.

⁵ And where the preliminary relief that is granted is to “postpone the effective date of an agency action” under 5 U.S.C. § 705, courts similarly enjoin “the rule, and not . . . the application of it to a particular person.” *City of Columbus v. Kennedy*, 796 F. Supp. 3d 123, 175–76 (D. Md. 2025), *appeal docketed*, No. 25-2012 (4th Cir. Aug. 29, 2025).

Dated: January 28, 2026

Respectfully submitted,
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