



ATTORNEY GENERAL OF MISSOURI
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July 21, 2026

Clifton B. Cislak, Clerk of Court
U.S. Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave NW
Washington, DC 20001

RE: *DSCC, et al. v. Donald Trump, et al.*, No. 26-5193

Dear Mr. Cislak,

The Intervener States in the above referenced matter write pursuant to Federal Rule of Appellate Procedure 28(j) to advise this Court of a recent decision that is pertinent to this case. In *NAACP v. U.S. Postal Service*, No. 1:20-cv-02295 (D.D.C.), the District Court had enjoined USPS from “implementing the standards and procedures described in” its June 2, 2026 proposed rule (91 Fed. Reg. 32915). Doc. 181, at 2 (July 1, 2026). We write to inform the Court that on Friday, July 17, the D.C. Circuit stayed that injunction pending appeal (No. 26-5257). A copy of the D.C. Circuit’s order is attached.

In granting the stay, the D.C. Circuit explained that USPS had “made a strong showing” that it was likely to succeed on the merits because, as relevant here, the proposed rule “is likely neither constitutionally nor prudentially ripe for review.” Order at 1. The D.C. Circuit also held that USPS had “demonstrated irreparable harm on the ground that, absent a stay, the district court’s injunction ‘will render [them] unable’ to ‘issue and implement a final rule in advance of the November 2026 general election.’” *Id.* (quoting Appellant Mot. for Stay at 24) (alteration in original). “In this context, ‘there can be no do over’ once the election occurs.” *Id.* (quoting *League of Women Voters of the U.S. v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016)). The court also concluded that “any countervailing harm to appellee and the public” did not outweigh appellants’ likely success on the merits and irreparable injury. *Id.* at 1–2.

Like in *NAACP v. U.S. Postal Service*, this Court should again hold that Appellants’ challenge to the June 2, 2026 proposed rule is neither constitutionally nor

prudentially ripe for review and that enjoining USPS from continuing with its rulemaking process would cause irreparable harm.

Sincerely,

/s/ Louis J. Capozzi III

Louis J. Capozzi III

Solicitor General of Missouri

Counsel for Intervener States

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