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16 UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
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20 Plaintiff,
21 v.
22 STATE OF CALIFORNIA, *et al.*,
23 Defendants.
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Case No. 2:26-cv-12025

**UNITED STATES' NOTICE OF
APPEAL**

Hon. David O. Carter
United States District Judge

1 On October 15, 2026, the United States filed its complaint in this action, seeking
2 statewide declaratory and injunctive relief to enjoin the state of California from
3 continuing to send and tabulate vote-by-mail ballots cast by ineligible noncitizens to
4 illegally participate in federal elections. Dkt. 1.

5 On October 19, 2026, the United States filed an emergency *ex parte* application
6 for injunctive relief, including a temporary restraining order and preliminary injunction.¹
7 Dkt. 62. The United States concurrently requested an expedited ruling on its emergency
8 application by 12:00 p.m. on October 22, 2026. Dkt. 67. The Court has not ruled on the
9 United States' application.

10 Given the critical and exigent nature of the relief sought, the Court's silence is a
11 constructive denial of the United States' emergency application for preliminary
12 injunctive relief in its *Ex Parte* Application for Temporary Restraining Order and Order
13 to Show Cause Why a Preliminary Injunction Should Not Issue, Dkts. 22-1, 62, which
14 has the practical effect of denying a preliminary injunction. Accordingly, the United
15 States hereby appeals the constructive denial of an injunction to the Ninth Circuit Court
16 of Appeals.

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18 DATED: October 22, 2026

Respectfully submitted,

/s/ Julie A. Hamill

Julie A. Hamill

Assistant United States Attorney

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26 ¹ The United States first filed its emergency application for a temporary
27 restraining order and preliminary injunction on October 19, 2026, concurrently with an
28 application to exceed this Court's word limitations. Dkts. 22, 22-1. The Court granted
the United States' application to exceed the word limit, Dkt. 53, and the United States
then immediately re-filed its emergency *ex parte* application on October 21, 2026. Dkt.
62.