

119TH CONGRESS
1ST SESSION

S. 1090

To amend section 2284 of title 28, United States Code, to establish special procedures for civil actions seeking to restrain executive branch actions.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2025

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 2284 of title 28, United States Code, to establish special procedures for civil actions seeking to restrain executive branch actions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restraining Judicial
5 Insurrectionist Act of 2025”.

6 **SEC. 2. SPECIAL PROCEDURES FOR CIVIL ACTIONS SEEK-**
7 **ING TO RESTRAIN EXECUTIVE BRANCH AC-**
8 **TIONS.**

9 Section 2284 of title 28, United States Code, is
10 amended—

1 (1) in subsection (a)—

2 (A) by inserting “IN GENERAL.—” before
3 “A district court”;

4 (B) by striking “shall be convened when
5 otherwise required” and inserting the following:
6 “shall be convened when—

7 “(1) otherwise required”; and

8 (C) by striking “Congress, or when an ac-
9 tion” and inserting the following: “Congress;

10 “(2) an action is commenced against any de-
11 partment or office of the executive branch that seeks
12 declaratory relief, a temporary restraining order, a
13 preliminary or permanent injunction, vacatur, a
14 stay, or other equitable relief against an action of
15 the executive branch or executive order of the Presi-
16 dent; or

17 “(3) an action”;

18 (2) in subsection (b), in the matter preceding
19 paragraph (1), by striking “In any action” and in-
20 serting “PROCEDURES GENERALLY.—Except as pro-
21 vided in subsection (c), in any action”; and

22 (3) by adding at the end the following:

23 “(c) PROCEDURES FOR ACTIONS SEEKING TO RE-
24 STRAIN EXECUTIVE BRANCH ACTIONS.—

1 “(1) SELECTION OF JUDGES FOR A THREE-
2 JUDGE DISTRICT COURT.—

3 “(A) IN GENERAL.—Upon the filing of a
4 request for three judges in an action described
5 in subsection (a)(2), the judge to whom the re-
6 quest is made shall, unless the judge determines
7 that three judges are not required, immediately
8 notify the Chief Justice of the United States,
9 who shall designate three judges at random
10 from a list of all judges in active service regard-
11 less of circuit—

12 “(i) one of whom shall be a circuit
13 judge in active service; and

14 “(ii) not more than two of whom may
15 be serving in the same judicial circuit.

16 “(B) SERVICE BY JUDGE RECEIVING RE-
17 QUEST.—The judge to whom a request de-
18 scribed in subparagraph (A) was presented may
19 serve as a member of the district court to hear
20 and determine the action if—

21 “(i) the judge is selected to be a mem-
22 ber at random in accordance with subpara-
23 graph (A); and

24 “(ii) the judge is a district judge in
25 active service.

1 “(2) NUMBER OF JUDGES REQUIRED TO CON-
2 DUCT PROCEEDINGS.—No temporary restraining
3 order, stay, preliminary injunction, or other equi-
4 table relief may be granted in an action described in
5 subsection (a)(2) unless a majority of the district
6 court for the action orders that such relief be grant-
7 ed.

8 “(3) APPOINTMENTS OF MASTERS.—No single
9 judge shall appoint a master, or order a reference to
10 a magistrate judge, or hear and determine applica-
11 tions for preliminary or permanent relief in an ac-
12 tion described in subsection (a)(2).”.

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