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Legal Sidebar

Trump v. CASA, Inc.: Supreme Court Limits Nationwide Injunctions

July 1, 2025

On June 27, 2025, the Supreme Court issued a decision in *Trump v. CASA, Inc.*, a trio of consolidated cases in which the Court limited the ability of federal courts to block federal laws and policies. The Court held that the Judiciary Act of 1789 does not authorize nationwide injunctions that reach more broadly than needed to provide complete relief to parties to a case, but left open several potential avenues for litigants to seek universal relief.

The substantive legal issue in these cases concerned the validity of Executive Order No. 14,160, "Protecting the Meaning and Value of American Citizenship" (the Birthright Citizenship E.O.), which provides that the protections afforded to individuals under the Citizenship Clause of the Fourteenth Amendment, known as birthright citizenship, shall not apply to certain individuals born in the United States to specified categories of alien parents. The Supreme Court litigation in *CASA* focused on a procedural question: whether the trial courts erred in entering nationwide injunctions against enforcement of the Birthright Citizenship E.O., barring enforcement of portions of the E.O. against all relevant persons. With that question resolved, the cases will now return to the district courts for consideration of the proper scope of injunctive relief in each case. The substantive challenges to the E.O. remain pending.

This Legal Sidebar provides an overview of the litigation in *CASA*, summarizes the Court's decision in the consolidated cases, then discusses related considerations for Congress.

Birthright Citizenship E.O. and Federal Court Litigation

The Citizenship Clause (Section 1, clause 1, of the Fourteenth Amendment) provides, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The provision historically has been understood to grant citizenship to all children born on U.S. soil, subject to limited exceptions for groups including children born to foreign diplomatic agents and children of members of Indian tribes subject to tribal laws. Section 301 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1401, closely tracks the constitutional language above, granting citizenship at birth to any "person born in the United States, and subject to the jurisdiction thereof." Section 301 also grants citizenship at birth to additional categories of persons, including children born in the United States to members of Indian tribes.

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LSB11331

On January 20, 2025, soon after taking office, President Trump issued the Birthright Citizenship E.O. Section 1 of the E.O. notes, "The Fourteenth Amendment has always excluded from birthright citizenship persons who were born in the United States but not 'subject to the jurisdiction thereof.'" It then states that

> the privilege of United States citizenship does not automatically extend to persons born in the United States: (1) when that person's mother was unlawfully present in the United States and the father was not a United States citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States at the time of said person's birth was lawful but temporary . . . and the father was not a United States citizen or lawful permanent resident at the time of said person's birth.

Section 2 of the E.O. declares it to be the policy of the United States that no federal department or agency "shall issue documents recognizing United States citizenship, or accept documents issued by State, local, or other governments or authorities purporting to recognize United States citizenship" of any person who is born 30 days or more after the date of the E.O. and falls within the two categories above. Section 3 of the Birthright Citizenship E.O. directs certain federal officials to enforce the E.O. and requires executive departments and agencies to issue public guidance on the order's implementation within 30 days.

Multiple individuals, states, and organizations sued the federal government to challenge the legality of the Birthright Citizenship E.O., and three of those cases reached the Supreme Court. The lead case, *Trump v. CASA, Inc.*, was filed in the U.S. District Court for the District of Maryland by five expectant mothers and two nonprofit immigrant-rights organizations with members in all 50 states. *Trump v. Washington* involves two consolidated challenges filed in the U.S. District Court for the Western District of Washington, one by a group of states led by Washington and one by a putative class of expectant mothers whose children might be affected by the E.O. *Trump v. New Jersey* was commenced in the U.S. District Court for the District of Massachusetts by 17 states, the District of Columbia, and the City and County of San Francisco and was consolidated with a case filed by an individual expectant mother and two nonprofit associations. The plaintiffs in each case argue that the Birthright Citizenship E.O. violates the Fourteenth Amendment, Supreme Court precedent interpreting the amendment, and the INA. A previous CRS Legal Sidebar provides additional background on the litigation in these cases. Other challenges to the Birthright Citizenship E.O. are also pending in the lower federal courts.

The district courts in *CASA*, *Washington*, and *New Jersey* each granted nationwide injunctions barring enforcement of the Birthright Citizenship E.O. As a CRS Report explains in more detail, an *injunction* is a court order that requires a person or entity to take or not take some specific action. A *nationwide injunction*, also known as a *universal injunction*, is an injunction against the government that prevents the government from implementing a challenged law, regulation, or other policy *with respect to all relevant persons and entities*, whether or not such persons or entities are parties participating in the litigation.

The government appealed the three nationwide injunctions against the Birthright Citizenship E.O. and filed an emergency motion for a partial stay with the appeals court in each case. A *stay* is a court order that temporarily pauses a different court order or other government action. In these cases, the government sought to stay only the nationwide scope of each injunction, which would allow the executive branch to implement the Birthright Citizenship E.O. with respect to *persons other than the plaintiffs* in each case while the litigation was pending. Because district courts in three different circuits had entered nationwide injunctions against the E.O., the government would have had to prevail on all three stay motions before it could enforce the order against any non-plaintiffs. The U.S. Courts of Appeals for the First, Fourth, and Ninth Circuits all denied the government's stay motions.

The government then sought emergency relief from the Supreme Court, filing substantially similar applications in all three cases on March 13, 2025, seeking a partial stay of each of the three nationwide injunctions. Chief among the government's arguments were claims that nationwide injunctions exceed the federal courts' equitable power by granting relief to persons who are not parties to the cases, and that they conflict with Supreme Court precedent holding that Article III of the Constitution limits judicial relief to

parties with *standing*—that is, persons with a concrete, personal interest in the dispute. As was the case before the circuit courts, the government's Supreme Court applications challenged only the scope of the injunctions in these cases and did not address the underlying substantive question of the legality of the Birthright Citizenship E.O. The Supreme Court ordered the parties challenging the Birthright Citizenship E.O. to respond to the stay applications by April 4, 2025.

After receiving full briefing on the stay applications, the Supreme Court consolidated the three cases and held oral argument on May 15, 2025. In a sitting lasting over two hours, the Justices weighed legal and practical objections to nationwide injunctions against concerns that limits on those injunctions might hinder the courts' ability to review and curb unlawful executive action.

Supreme Court Decision in *Trump v. CASA, Inc.*

The Supreme Court issued its decision in *CASA* on June 27, 2025. While the federal government's stay applications in these cases raised both statutory and constitutional challenges to nationwide injunctions, the Court declined to reach the constitutional question, limiting its opinion to the statutory interpretation question of "whether Congress has granted federal courts the authority to universally enjoin the enforcement of an executive or legislative policy." Writing for a six-Justice majority, Justice Barrett held that nationwide injunctions "likely exceed the equitable authority that Congress has granted to federal courts."

In considering federal courts' statutory authority to issue universal injunctive relief, the Court looked to the Judiciary Act of 1789, which granted federal courts jurisdiction over "all suits . . . in equity." Interpreting that grant of authority, the Supreme Court has held that "the equity jurisdiction of the federal courts is the jurisdiction in equity exercised by the High Court of Chancery in England at the time of the adoption of the Constitution and the enactment of the original Judiciary Act, 1789." Surveying the history of nationwide injunctions, the *CASA* Court stated that traditionally, "suits in equity were brought by and against individual parties," and "universal injunctions were not a feature of federal-court litigation until sometime in the 20th century." Thus, the Court found that nationwide injunctions did not exist in the English Court of Chancery at the time of the Founding, and that no Founding-era procedure was sufficiently analogous to modern nationwide injunctions to justify their issuance under the First Judiciary Act.

The Court then turned to the proposition that nationwide injunctions are appropriate when needed to provide complete relief to the parties before the court. The Court "agree[d] that the complete-relief principle has deep roots in equity," but held that the principle cannot justify awards of relief to nonparties. Thus, the Court explained, a court may enjoin a nuisance in its entirety if needed to protect a plaintiff bringing a noise complaint, even if the injunction incidentally benefits the plaintiff's neighbors who dislike the noise but did not file suit. However, such an injunction's "protection extends only to the suing plaintiff—as evidenced by the fact that only the plaintiff can enforce the judgment against the defendant responsible for the nuisance" via contempt proceedings.

Applying this principle to the matters before it, the Court rejected the individual and associational plaintiffs' arguments that a nationwide injunction was required to provide them with complete relief, stating that, in the cases at bar, "prohibiting enforcement of the Executive Order against the child of an individual pregnant plaintiff will give that plaintiff complete relief." By contrast, the Court determined that the "complete-relief inquiry is more complicated for the state respondents" because they asserted that "a universal injunction was necessary to provide the States *themselves* with complete relief." Noting that the government contended that a narrower injunction could adequately protect the states, the Court declined to resolve the dispute in the first instance, instead directing the lower courts to "determine whether a narrower injunction is appropriate." The Court thus granted the government's application for a stay "only to the extent that the injunctions are broader than necessary to provide complete relief to each

plaintiff with standing to sue" and "to the extent that [the injunctions] prohibit executive agencies from developing and issuing public guidance about the Executive's plans to implement the Executive Order."

Justices Thomas, Alito, and Kavanaugh joined the majority opinion and also filed separate concurrences. Justice Thomas wrote separately to emphasize that complete relief for the plaintiffs represents the maximum amount of relief that a court may award, and that courts sometimes cannot or should not provide complete relief if doing so would violate other equitable principles. He cautioned that "[c]ourts may not use the complete-relief principle to revive the universal injunction." Justice Alito's concurrence addressed "the availability of third-party standing and class certification" and their potential to undermine the Court's limit on nationwide injunctions. Justice Alito directed lower courts to rigorously enforce requirements related to third-party standing when states seek to bring suit on behalf of their residents. He further wrote that courts should maintain "scrupulous adherence to the rigors" of Federal Rule of Civil Procedure 23 (Rule 23), which imposes requirements that must be satisfied before a court can certify a class.

Justice Kavanaugh noted that the majority opinion focused on the power of district courts to issue universal relief and wrote separately to emphasize the role of the federal appellate courts, and particularly the Supreme Court, in determining whether a challenged law or policy will apply while a case remains pending. Justice Kavanaugh opined that "there often (perhaps not always, but often) should be a nationally uniform answer on whether a major new federal statute, rule, or executive order can be enforced throughout the United States during the several-year interim period until its legality is finally decided on the merits," and that typically that answer should come from the Supreme Court. He explained that "the Court's disposition of applications for interim relief often will effectively settle, *de jure* or *de facto*, the interim legal status of those statutes or executive actions nationwide" and concluded that the decision in *CASA* "will not affect this Court's vitally important responsibility to resolve applications for stays or injunctions with respect to major new federal statutes and executive actions."

Justice Sotomayor filed a dissent in which Justices Kagan and Jackson joined. Justice Sotomayor's dissent devoted significant attention to the underlying question of the legality of the Birthright Citizenship E.O., contending that "every conceivable source of law confirms" that "birthright citizenship is the law of the land" and that "the Order's patent unlawfulness reveals the gravity of the majority's error and underscores why equity supports universal injunctions as appropriate remedies in this kind of case."

Justice Sotomayor offered an account of the history of nationwide injunctions that differed from the majority's, asserting that they "are consistent with long-established principles of equity." She further asserted that the cases at bar "do not even squarely present the legality of universal injunctions . . . because, even if the majority were right that injunctions can only offer 'complete relief to the plaintiffs before the court,' . . . each of the lower courts here correctly determined that the nationwide relief they issued was necessary to remedy respondents' injuries completely." She criticized the majority opinion for "render[ing] constitutional guarantees meaningful in name only for any individuals who are not parties to a lawsuit" and providing "an open invitation for the Government to bypass the Constitution."

Justice Jackson filed an additional solo dissent, writing that the "Court's decision to permit the Executive to violate the Constitution with respect to anyone who has not yet sued is an existential threat to the rule of law." She expressed concerns that the Court's ruling would divide persons affected by unlawful government action into two groups: those who are able to sue and win an injunction, and those who cannot sue and remain subject to the unlawful action. She asserted that this division is inequitable because "the zone of lawlessness the majority has now authorized will disproportionately impact the poor, the uneducated, and the unpopular." She also contended that in such a regime, the "Constitution is flipped on its head, for its promises are essentially nullified" when the "Executive . . . can do whatever it wants to whomever it wants, unless and until each affected individual affirmatively invokes the law's protection."

Considerations for Congress

The Supreme Court's decision in *CASA* held that Congress has not authorized district courts to issue universal injunctions beyond what is needed to protect parties before the court. Questions remain about the legality of the Birthright Citizenship E.O. and the scope of relief that is available in these consolidated cases and more generally.

Following the *CASA* decision, the three consolidated cases and other cases involving challenges to the Birthright Citizenship E.O. remain pending in the lower federal courts. *CASA*, *New Jersey*, and *Washington* will return to the district courts for those courts to determine in the first instance what scope of injunctive relief is appropriate and no broader than required to provide complete relief to the plaintiffs. Future grants, denials, or modifications of injunctions in any of the birthright citizenship cases will be immediately appealable to the relevant federal appeals court and subject to discretionary Supreme Court review. As of the date of this Legal Sidebar, no federal court has issued a final ruling on claims that the Birthright Citizenship E.O. conflicts with the Fourteenth Amendment and the INA. Any such ruling would also be appealable, and many observers believe it is likely that a merits challenge to the E.O. will eventually reach the Supreme Court.

More broadly, it remains to be seen how the Supreme Court's decision in *CASA* will affect litigation challenging federal laws and policies. While the *CASA* majority and concurrences expressed the intent to limit nationwide injunctions, the decision also left open several avenues through which federal courts may block government actions in their entirety.

First, federal courts may still issue universal relief when doing so is required in order to provide complete relief to the plaintiffs before the court. Before the *CASA* decision, many lower federal courts considering requests for nationwide injunctions were already applying the complete relief principle. For instance, the district court decision on appeal in *Trump v. New Jersey* held that, for the *state* plaintiffs, "universal or nationwide relief is necessary to prevent them from suffering irreparable harm." The Supreme Court's ruling in *CASA* preserves the possibility that that order, and others like it, may remain in effect. By contrast, the *CASA* Court held that a nationwide injunction is not required to protect the *individual* plaintiffs in the consolidated cases. *CASA* did not limit nationwide relief to suits by states, and the Court majority cited instances when universal relief may be required to protect individual plaintiffs. However, recent challenges to federal laws and policies suggest that states may be particularly well-situated to claim far-reaching harms that can be addressed only by universal relief. Stricter application of the complete relief principle may thus lead to an increased reliance on suits brought by states to challenge federal actions.

Second, the limitations articulated in *CASA* do not apply to challenges to agency action under the Administrative Procedure Act (APA) or class actions certified under Rule 23. Courts hearing APA cases sometimes universally stay a challenged action while a case is pending or issue a universal vacatur following litigation on the merits. While there are technical differences between APA stays and vacatur and nationwide injunctions, as a practical matter all of these types of rulings serve to pause a challenged law or policy in its entirety. The APA does not apply to presidential actions, so it could not be invoked to challenge executive orders such as the Birthright Citizenship E.O. Federal statutes other than the APA also authorize far-reaching relief in specific types of cases. The Supreme Court did not consider those provisions in *CASA*.

With respect to class actions, courts have certified nationwide classes under Rule 23 and have issued class-wide relief that bars enforcement of challenged laws or policies against all affected persons. One of the consolidated cases on appeal in *CASA* was filed as a purported class action, and the motion for class certification remains pending. In addition, advocacy groups have filed at least one new class-action lawsuit challenging the Birthright Citizenship E.O. in response to the Supreme Court's ruling. Rule 23 imposes certain requirements before a class can be certified, and it is likely that there are some nationwide

injunction cases in which plaintiffs could not satisfy the requirements. Nonetheless, while these avenues for far-reaching relief remain open, litigants seeking universal relief may increasingly attempt to challenge government actions via APA suits or class actions.

In addition, as outlined in Justice Kavanaugh's concurrence, it remains possible for the Supreme Court's rulings on emergency matters to impose *de facto* uniform rules that apply while litigation is pending. The Supreme Court's rulings constitute binding precedent for all federal courts. The Court's rulings on applications for stays and injunctions are not functionally the same as nationwide injunctions because any resulting injunction is directly enforceable only by the parties to the case and only to the extent needed to protect their own rights. However, lower courts considering challenges raising the same legal issues are bound by the Court's rulings and, following a Supreme Court ruling enjoining or upholding an injunction against a government action, would presumably also enjoin the challenged action in separate cases. To the extent a lower court improperly failed to do so, its decision would be subject to appeal and reversal by the relevant court of appeals or the Supreme Court. Additionally, the government would have less incentive to try to enforce a policy it knew would likely be enjoined.

Because a party to litigation can appeal only with respect to issues on which it has not prevailed, the respondents and dissenters in *CASA* raised concerns that the government could avoid appellate review of its actions if the executive branch lost in the lower courts and declined to appeal narrow injunctions that left it free to enforce challenged policies against most people. With respect to challenges to the Birthright Citizenship E.O., the Solicitor General at oral argument expressed the intent to appeal if the government loses on the merits. It remains to be seen whether and to what extent concerns about evading appellate review will be borne out in practice. The Supreme Court's motions docket, sometimes called the "shadow docket," has received significant attention in recent years. An increased role for Supreme Court emergency rulings in imposing uniform rules while challenges to federal government actions are pending could heighten concerns some Court observers have expressed about the motions docket.

If Congress chooses to enact legislation in the wake of *CASA*, it may consider several options. With respect to the substantive challenges to the Birthright Citizenship E.O., which remain pending, to the extent the challenges are based on the INA, Congress has the legal authority to amend the statute. Like the E.O., any amendments to the statute would be subject to applicable constitutional limitations, including any limits contained in the Fourteenth Amendment.

With respect to the issue of universal relief, the Court in *CASA* declined to address the government's constitutional challenge to nationwide injunctions and instead decided the case on statutory interpretation grounds. This means that if Congress disagrees with the Court's interpretation of the Judiciary Act of 1789 or otherwise wishes to change the law in this area, it could do so by enacting legislation.

Several recent legislative proposals would limit or otherwise regulate nationwide injunctions. Proposals from the 119th Congress include H.R. 1526 (the No Rogue Rulings Act of 2025), which passed the House on April 9, 2025; S. 1206 (the Judicial Relief Clarification Act of 2025); S. 1099 (the Nationwide Injunction Abuse Prevention Act of 2025); H.R. 2274 (the Court Shopping Deterrence Act); and H.R. 97 (the Injunctive Authority Clarification Act of 2025). The Court's ruling in *CASA* may lessen the perceived policy need for these proposals, but it does not render them moot because the legislative proposals generally differ in scope or other particulars from the ruling in *CASA*. For instance, the No Rogue Rulings Act could be interpreted to limit some injunctions that would still be permitted after *CASA* because the bill would ban non-party relief without including an exception based on the complete relief principle. The act also includes an exception not contained in *CASA*: it would allow a three-judge district court to issue broader injunctive relief "[i]f a case is brought by two or more States located in different circuits challenging an action by the executive branch." As another example, the Court Shopping Deterrence Act would allow for direct appeal to the Supreme Court of a district court order granting a nationwide injunction.

While most recent legislative proposals would seek to limit nationwide injunctions, it is also possible that Congress could enact legislation to expressly allow such injunctions in circumstances where Congress deemed them appropriate. The government might renew its Article III challenge against legislation authorizing nationwide injunctions. Some members of the Supreme Court have expressed doubt as to the constitutionality of nationwide injunctions. It is unclear how a majority of the Court would rule on that question in a future case.

Finally, as noted, the Court's decision in *CASA* did not change the law related to universal relief in the context of APA litigation and class actions. If Congress wished to change the scope of relief available in such cases, it could amend the APA or the Federal Rules of Civil Procedure.

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