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Nationwide Injunctions Under the First Trump Administration and the Biden Administration

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Nationwide Injunctions Under the First Trump Administration and the Biden Administration

SUMMARY

In recent years, courts, stakeholders, legal commentators, and lawmakers have engaged in significant legal and policy debate related to nationwide injunctions. The term *nationwide injunction* is not a legal term of art and is not defined in any federal statute or majority decision of the Supreme Court. However, that term is used fairly consistently in lower court decisions and legal commentary. In those sources, a *nationwide injunction* is generally defined as an injunction against the government that prevents the government from implementing a challenged law, regulation, or other policy, in whole or in part, against all relevant persons and entities, whether or not such persons or entities are parties participating in the litigation.

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Commentators broadly agree that nationwide injunctions as currently understood did not exist in the pre-Founding English courts of equity, that no nationwide injunctions issued in the early years of the American Republic, and that such injunctions have become more common in the past two decades. Several sources provide counts of nationwide injunctions. In a May 2019 address, then-Attorney General William Barr stated that federal courts "issued only 27 nationwide injunctions in all of the 20th century." By contrast, as of February 2020, the U.S. Department of Justice (DOJ) had identified 12 nationwide injunctions issued during the presidency of George W. Bush, 19 issued during Barack Obama's presidency, and 55 such injunctions issued against the first Trump Administration. The February 2020 DOJ numbers remained widely cited for years because there was limited public data on the issuance of nationwide injunctions. In April 2024, the *Harvard Law Review* published an article with counts of nationwide injunctions through 2023. With respect to the four most recent presidential Administrations, the article identified 6 nationwide injunctions issued under the George W. Bush Administration, 12 under the Obama Administration, 64 under the first Trump Administration, and 14 from the first three years of the Biden Administration.

This CRS report identifies and analyzes nationwide injunctions issued under the first Trump Administration and the Biden Administration. For several reasons, it is not possible to provide a single definitive count of nationwide injunctions. Most significantly, *nationwide injunction* is not a legal term with a precise definition, and so counts may vary based on the particular definition used. In addition, there are practical challenges in searching for all nationwide injunction cases as well as methodological choices about how to count the injunctions that fit any given definition.

This report explains CRS's methodology for identifying nationwide injunction cases and includes tables listing the cases identified using that methodology. The report also analyzes the cases identified, surveying the primary subject matter at issue in each case, the geographic distribution of courts that issued nationwide injunctions, the procedural posture in nationwide injunction cases (that is, whether the injunctions at issue were temporary restraining orders, preliminary injunctions, or permanent injunctions), and how nationwide injunctions have fared on appeal. The report concludes by discussing selected considerations for Congress related to nationwide injunctions. Specifically, it discusses changes in the number of nationwide injunctions issued over time, proposals that would regulate nationwide injunction cases by subject matter, the relationship between forum shopping and nationwide injunctions, proposed substantive and procedural reforms related to nationwide injunctions, and the role of nationwide injunctions under the Administrative Procedure Act.

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In recent years, courts, stakeholders, legal commentators, and lawmakers have engaged in significant legal and policy debate related to nationwide injunctions.[1] The term *nationwide injunction* is not a legal term of art and is not defined in any federal statute or majority decision of the Supreme Court.[2] However, that term and related terms[3] are used fairly consistently in lower court decisions and legal commentary. In those sources, a *nationwide injunction* is generally defined as an injunction *against the government* that prevents the government from implementing a challenged law, regulation, or other policy, in whole or in part, against *all relevant persons and entities*, whether or not such persons or entities are parties participating in the litigation.[4]

Commentators broadly agree that nationwide injunctions as currently understood did not exist in the pre-Founding English courts of equity, that no nationwide injunctions were issued in the early years of the American Republic, and that such injunctions have become more common in the past two decades.[5] Several sources provide counts of nationwide injunctions. In a May 2019 address, then-Attorney General William Barr stated that federal courts "issued only 27 nationwide injunctions in all of the 20th century."[6] By contrast, as of February 2020, the Department of Justice (DOJ) had identified 12 nationwide injunctions issued during the presidency of George W. Bush, 19 issued during Barack Obama's presidency, and 55 such injunctions issued against the Trump Administration.[7] In April 2024, the *Harvard Law Review* published an article with counts of nationwide injunctions through 2023.[8] With respect to the four most recent presidential Administrations, the article identified 6 nationwide injunctions issued under the George W. Bush

[1] For additional discussion of the legal and policy debate around nationwide injunctions, see CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2021).

[2] *But cf., e.g.*, Labrador v. Poe, 144 S. Ct. 921, 921–22 (2024) (Gorsuch, J., concurring) ("[T]he district court entered a universal injunction.... That is, the court prohibited the defendants from enforcing 'any provision' of the law under any circumstances during the life of the parties' litigation."); Trump v. Hawaii, 585 U.S. 667, 713 n.1 (2018) (Thomas, J., concurring) ("'Nationwide injunctions' is perhaps the more common term. But I use the term 'universal injunctions' in this opinion because it is more precise. These injunctions are distinctive because they prohibit the Government from enforcing a policy with respect to anyone, including nonparties—not because they have wide geographic breadth. An injunction that was properly limited to the plaintiffs in the case would not be invalid simply because it governed the defendant's conduct nationwide.").

[3] Nationwide injunctions are also sometimes called national injunctions, universal injunctions, non-party injunctions, non-particularized injunctions, or even cosmic injunctions. *See* Mila Sohoni, *The Lost History of the "Universal" Injunction*, 133 HARV. L. REV. 920, 922 (2020); *Rule by District Judge: The Challenges of Universal Injunctions: Hearing Before the S. Comm. on the Judiciary*, 116th Cong. (2020) (statement of Jesse Panuccio, partner at Boies, Schiller, Flexner LLP and Public Service Fellow with The C. Boyden Gray Center for the Study of the Administrative State at the Antonin Scalia Law School, George Mason University); Howard M. Wasserman, *Concepts, Not Nomenclature: Universal Injunctions, Declaratory Judgments, Opinions, and Precedent*, 91 U. COLO. L. REV. 999, 1007 (2020).

[4] *E.g.*, Amanda Frost, *In Defense of Nationwide Injunctions*, 93 N.Y.U. L. REV. 1065, 1071 (2018) (defining "nationwide injunction" to refer to "an injunction at any stage of the litigation that bars the defendant from taking action against individuals who are not parties to the lawsuit in a case that is not brought as a class action"); Chicago v. Barr, 961 F.3d 882, 912 (7th Cir. 2020) (defining "nationwide, or universal, injunctions" as "injunctive relief that extends beyond the parties before the court to include third parties"); Dep't of Homeland Sec. (DHS) v. New York, 140 S. Ct. 599, 600 (2020) (Gorsuch, J., concurring) (defining the term to mean "a court ... ordering the government to take (or not take) some action with respect to those who are strangers to the suit").

[5] *See, e.g.*, Samuel L. Bray, *Multiple Chancellors: Reforming the National Injunction*, 131 HARV. L. REV. 417, 425–27 (2017); Sohoni, *supra* note 3, at 924–25; Frost, *supra* note 4, at 1071.

[6] William P. Barr, Attorney General, Remarks to the American Law Institute on Nationwide Injunctions (May 21, 2019).

[7] Jeffrey A. Rosen, Deputy Attorney General, Address at the Administrative Conference of the United States Forum on Nationwide Injunctions and Federal Regulatory Programs (Feb. 12, 2020).

[8] *District Court Reform: Nationwide Injunctions*, 137 HARV. L. REV. 1701 (2024).

Administration, 12 under the Obama Administration, 64 under the first Trump Administration, and 14 from the first three years of the Biden Administration.[9]

This CRS report provides background on nationwide injunctions[10] and identifies and analyzes nationwide injunctions issued under the first Trump Administration and the Biden Administration.[11] For several reasons, it is not possible to provide a single definitive count of nationwide injunctions. Most significantly, *nationwide injunction* is not a legal term with a precise definition, and so counts may vary based on the particular definition used. In addition, there are practical challenges in searching for all nationwide injunction cases as well as methodological choices about how to count the injunctions that fit any given definition. However, this report explains CRS's methodology for identifying nationwide injunctions[12] and includes tables listing the cases identified using that methodology.[13] The report also analyzes the cases identified, surveying the primary subject matter at issue in each case,[14] the geographic distribution of courts that issued nationwide injunctions,[15] the procedural posture in nationwide injunction cases,[16] and how nationwide injunctions have fared on appeal.[17] The report concludes by discussing selected considerations for Congress related to nationwide injunctions. Specifically, it discusses changes in the number of nationwide injunctions issued over time,[18] proposals that would regulate nationwide injunction cases by subject matter,[19] the relationship between forum shopping and nationwide injunctions,[20] proposed substantive and procedural reforms related to nationwide injunctions,[21] and the role of nationwide injunctions under the Administrative Procedure Act (APA).[22]

Background on Nationwide Injunctions

An *injunction* is a form of equitable relief[23] by which a court either requires an entity to take a certain action or forbids an entity from taking a certain action.[24] A party that fails to comply with an injunction may be held in contempt and may face sanctions including fines or imprisonment.[25]

[9] *Id.* at 1705.

[10] *See infra* "Background on Nationwide Injunctions."

[11] Nationwide injunctions issued under the second Trump Administration are outside the scope of this report.

[12] *See infra* "Identifying Nationwide Injunctions."

[13] *See infra* **Table A-1**, **Table A-2**.

[14] *See infra* "Subject Matter of Nationwide Injunction Cases."

[15] *See infra* "Geographic Distribution of Nationwide Injunction Cases."

[16] *See infra* "Procedural Posture in Nationwide Injunction Cases."

[17] *See infra* "Nationwide Injunction Cases on Appeal."

[18] *See infra* "Number of Nationwide Injunctions."

[19] *See infra* "Regulating Nationwide Injunction Cases by Subject Matter."

[20] *See infra* "Nationwide Injunctions and Forum Shopping." Black's Law Dictionary defines *forum shopping* as "[t]he practice of choosing the most favorable jurisdiction or court in which a claim might be heard." *Forum-shopping*, BLACK'S LAW DICTIONARY (12th ed. 2024).

[21] *See infra* "Substantive and Procedural Limits on Nationwide Injunctions."

[22] *See infra* "Nationwide Injunctions and APA Litigation."

[23] Equitable relief is essentially a court-ordered remedy providing relief other than money damages. *Equitable Remedy*, BLACK'S LAW DICTIONARY ("A remedy, usu. a nonmonetary one such as an injunction or specific performance, obtained when available legal remedies, usu. monetary damages, cannot adequately redress the injury.").

[24] *Injunction*, BLACK'S LAW DICTIONARY ("A court order commanding or preventing an action.").

[25] In cases involving injunctions against federal agency actions, contempt sanctions might include fines against the (continued...)

As noted, a *nationwide injunction* is generally defined as an injunction *against the government* that prevents the government from implementing a challenged law, regulation, or other policy against *all persons and entities*, whether or not such persons or entities are parties participating in the litigation.[26] While the use of the word *nationwide* might suggest that the geographic reach of a court order is what defines a nationwide injunction, the defining feature of a nationwide injunction is not its geographic scope but rather the entities to which it applies.[27]

Commentators disagree on the historical roots of nationwide injunctions and debate numerous legal issues surrounding modern judicial practice related to these injunctions.[28] Defenders of nationwide injunctions argue that the orders prevent widespread harm, reduce the burdens of litigation by eliminating the need for every person affected by a challenged policy to bring suit, and promote consistency and the rule of law by uniformly halting allegedly illegal government actions.[29] Some argue that nationwide injunctions are particularly appropriate in certain circumstances, including immigration litigation, environmental and civil rights cases, and challenges to agency actions under the APA.[30]

Critics counter that nationwide injunctions undermine established litigation procedures by allowing challengers to circumvent the requirements for bringing a class action or by triggering fast-tracked litigation in which federal courts must evaluate a challenged policy based on a limited factual and legal record.[31] Some contend that nationwide injunctions raise constitutional

agency or agency officials or imprisonment of agency officials responsible for noncompliance. *See* CRS Legal Sidebar LSB11271, *Enforcement of Court Orders Against the Executive Branch*, by Joanna R. Lampe (2025). One commentator asserts that, in practice, contempt findings in cases against the federal government "are practically devoid of sanctions." Nicholas Parillo, *The Endgame of Administrative Law and the Judicial Contempt Power*, 131 HARV. L. REV. 685, 697 (2018).

[26] *See* sources cited *supra* note 4.

[27] *See, e.g.*, Trump v. Hawaii, 585 U.S. 667, 713 n.1 (2018) (Thomas, J., concurring) ("These injunctions are distinctive because they prohibit the Government from enforcing a policy with respect to anyone, including nonparties—not because they have wide geographic breadth. An injunction that was properly limited to the plaintiffs in the case would not be invalid simply because it governed the defendant's conduct nationwide."). *Cf.* Innovation L. Lab v. Wolf, 951 F.3d 1073, 1094 (9th Cir. 2020) ("[I]t is something of a misnomer to call the district court's order in this case a 'nationwide injunction.' The [challenged policy] operates only at our southern border and directs the actions of government officials only in the four States along that border.... In practical effect, the district court's injunction, while setting aside the [policy] in its entirety, does not operate nationwide."), *vacated as moot*, Mayorkas v. Innovation L. Lab, 141 S. Ct. 2842 (2021).

[28] For additional discussion of the legal and policy debate over nationwide injunctions, see CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2021).

[29] *See, e.g.*, Suzette Malveaux, *Class Actions, Civil Rights, and the National Injunction*, 131 HARV. L. REV. F. 56, 61 (2017); *Rule by District Judge*, *supra* note 3 (statement of Prof. Mila Sohoni); Doug Rendleman, *Preserving the Nationwide National Government Injunction to Stop Illegal Executive Branch Activity*, 91 U. COLO. L. REV. 887, 947 (2020); Frost, *supra* note 4, at 1109.

[30] *E.g.*, Washington v. Trump, 847 F.3d 1151, 1159–60 (9th Cir. 2017); Texas v. United States, 787 F.3d 733, 768 (5th Cir. 2015). Frost, *supra* note 4, at 1094–97; Wyoming v. Dep't of Agric., No. 07-CV-017-B, 2009 WL 10670655, at *2 (D. Wyo. June 15, 2009) (holding, in case challenging a rule limiting road construction in roadless areas in national forests, "Limiting the scope of the injunction to Wyoming ... would be illogical. The Rule was enacted and enforced on a nationwide basis. It was not tailored to address the forests of each state as separate entities. It would make little sense, then, to tailor the remedy by limiting the injunction to the State of Wyoming. If the Rule is illegal, as this Court has found it to be, then it is illegal nationwide, just as it was enforced nationwide."). *See also* Michael T. Morley, *De Facto Class Actions? Plaintiff- and Defendant-Oriented Injunctions in Voting Rights, Election Law, and Other Constitutional Cases*, 39 HARV. J. L. & PUB. POL'Y 487, 491 n.15 (2016); Sohoni, *supra* note 3, at 1123; Christopher J. Walker, *Quick Reaction to Bray's Argument that the APA Does Not Support Nationwide Injunctions*, YALE J. REG. (May 8, 2018), https://www.yalejreg.com/nc/quick-reaction-to-brays-argument-that-the-apa-does-not-support-nationwide-injunctions/.

[31] *See, e.g.*, Bray, *supra* note 3, at 461–62; Frost, *supra* note 4, at 1108; DHS v. New York, 140 S. Ct. 599, 600 (2020) (Gorsuch, J., concurring) ("Rather than spending their time methodically developing arguments and evidence in cases (continued...)

questions because they award relief to people who are not parties to the litigation and who may lack standing to seek relief in federal court.[32] Others argue that nationwide injunctions may prevent the government from effectively implementing its policies or that they can create legal uncertainty as implementation of challenged government programs may stop and start as a case moves through each level of the federal courts.[33] In addition, some commentators assert that nationwide injunctions contribute to the politicization of the courts and erode judicial legitimacy.[34]

The debate over nationwide injunctions does not split neatly along partisan lines.[35] High-profile policies of presidential Administrations from both major political parties have been delayed or permanently halted by nationwide injunctions.[36] Moreover, the question of whether a nationwide injunction should issue in any given case is distinct from questions including whether the challenged government action is legally permissible or advisable as a policy matter.[37]

Supreme Court decisions lay out general tests for when courts should grant injunctive relief and impose some guidance on the proper scope of such relief.[38] Currently, however, no statute or Supreme Court majority decision lays out a specific test for when a nationwide injunction should issue. In the absence of binding legal authority, courts facing decisions about the scope of injunctive relief have drawn upon the foregoing policy arguments and the general legal standards that govern requests for injunctive relief, weighing the applicable factors on a case-by-case basis.[39] Applying those principles, federal courts at all levels have issued nationwide injunctions.[40]

limited to the parties at hand, both sides have been forced to rush from one preliminary injunction hearing to another, leaping from one emergency stay application to the next, each with potentially nationwide stakes, and all based on expedited briefing and little opportunity for the adversarial testing of evidence."). *Cf.* Arizona v. Evans, 514 U.S. 1, 23 n.1 (1995) (Ginsburg, J., dissenting) ("We have in many instances recognized that when frontier legal problems are presented, periods of 'percolation' in, and diverse opinions from, state and federal appellate courts may yield a better informed and more enduring final pronouncement by this Court.").

[32] *See, e.g.*, Morley, *supra* note 30, at 524. *See also* Ronald A. Cass, *Nationwide Injunctions' Governance Problems: Forum Shopping, Politicizing Courts, and Eroding Constitutional Structure*, 27 GEO. MASON L. REV 29, 36 (2019) ("The redressability requirement plays an important role in assuring that litigation resolves narrowly focused controversies, rather than simply eliciting judges' views on general policy disputes"); Jonathan Remy Nash, *State Standing for Nationwide Injunctions Against the Federal Government*, 94 NOTRE DAME L. REV. 1985, 2008 (2019); *Hawaii*, 138 S. Ct. at 2425, 2427 (Thomas, J. concurring); *New York*, 140 S. Ct. at 600 (Gorsuch, J., concurring).

[33] Beth A. Williams, *Discussion on Nationwide Injunctions: Introductory Remarks*, 24 TEX. REV. L. & POL. 315, 317 (2020); *Rule by District Judge*, *supra* note 3 (statement of Prof. Nicholas Bagley).

[34] *See, e.g.*, Cass, *supra* note 32, at 53.

[35] *See, e.g.*, *Rule by District Judge*, *supra* note 3, at 2 (statement of Prof. Nicholas Bagley).

[36] *See, e.g.*, Washington v. Trump, No. C17-0141JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017) (enjoining enforcement of *Protecting the Nation From Foreign Terrorist Entry Into the United States*, Exec. Order No. 13,769, 82 Fed. Reg. 8,977 (Jan. 27, 2017)); Texas v. United States, 515 F. Supp. 3d 627 (S.D. Tex. 2021) (barring enforcement of a Biden Administration executive order imposing a 100-day pause on deportations).

[37] *See, e.g.*, Bray, *supra* note 5, at 423.

[38] *E.g.*, Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); Nken v. Holder, 556 U.S. 418, 434 (2009); Califano v. Yamasaki, 442 U.S. 682, 702 (1979).

[39] *See* "Nationwide Injunctions in the Federal Courts," *in* CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2021).

[40] *See, e.g.*, Sohoni, *supra* note 3, at 924–28.

Identifying Nationwide Injunctions: Methodology

The purpose of this CRS report is to identify recent nationwide injunction cases and provide analysis of those cases and related considerations for Congress. However, it is not possible to produce a single definitive count of nationwide injunctions for several reasons. Specifically, there is some ambiguity to the term *nationwide injunction*. In addition, there are practical challenges in searching for nationwide injunction cases, and there are questions about how to count the injunctions that fit any given definition.

Defining *Nationwide Injunction*

Nationwide injunction is not a legal term of art. As noted, courts and commentators generally use the term to refer to an injunction against the government that prevents the government from implementing a challenged law, regulation, or other policy, in whole or in part, against all relevant persons and entities, including non-parties to the litigation.[41] However, that definition is not universally accepted. For instance, some sources refer to court orders that bind private parties as nationwide injunctions.[42] Even among those that limit discussion of nationwide injunctions to injunctions against the government, some use the term to refer only to injunctions that bind the federal government, while others discuss nationwide or, more often, universal injunctions against state laws or policies.[43] Moreover, courts occasionally issue injunctions that combine with previously entered injunctions from other courts to block a policy in its entirety[44] or enjoin policies nationwide except within selected jurisdictions where other courts are considering challenges to the same policy.[45] In those cases, enforcement of a policy may be completely enjoined, although no single court order accomplishes that result.

Courts and commentators also debate whether injunctions in class actions should count as nationwide injunctions.[46] Both class actions and nationwide injunctions may allow plaintiffs to

[41] *See* sources cited *supra* note 4.

[42] *See, e.g.*, *Apple Can No Longer Force Developers to Use In-app Purchasing, Judge Rules*, REUTERS (Sept. 10, 2021), https://www.nbcnews.com/tech/apple/apple-app-store-decision-judge-rules-epic-fortnite-rcna1969 ("The judge issued a nationwide injunction blocking Apple 'anti-steering provisions' — rules that limit app developers from pointing users outside of Apple's ecosystem."); Tamara Chuang, *Two Judges Block Kroger-Albertsons Merger, as Colorado Waits for Decision in its Own Antitrust Case*, COLO. SUN (Dec. 20, 2024) (quoting a spokesperson for the Colorado State Attorney General's office describing a court order against a merger of private companies as "a nationwide preliminary injunction").

[43] *E.g.*, Sohoni, *supra* note 3, at 926 (citing W. Va. State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943)); Wasserman, *supra* note 3, at 1005 ("An injunction prohibiting enforcement of a state law should be as nationwide as an injunction prohibiting enforcement of federal law—it protects the plaintiff against enforcement of the constitutionally defective state law everywhere she is or might go."). *See also, e.g.*, Tenn. Conf. of the NAACP v. Lee, 105 F.4th 888, 906 (6th Cir. 2024) (noting, in a challenge to a state policy, "the court granted a *universal* injunction that bars enforcement of the Documentation Policy against everyone—including applicants that the [plaintiff] NAACP has no plans to assist").

[44] *See, e.g.*, Louisiana v. Becerra, 571 F. Supp. 3d 516, 543–44 (W.D. La. 2021) ("[T]he scope of this injunction will be nationwide, except for the states of Alaska, Arkansas, Iowa, Kansas, Missouri, New Hampshire, Nebraska, Wyoming, North Dakota, South Dakota, since these ten states are already under a preliminary injunction order dated November 29, 2021, out of the Eastern District of Missouri."), *vacated*, No. 21-30734, 2022 WL 2116002 (5th Cir. June 13, 2022).

[45] *See, e.g.*, Fraser v. Bureau of Alcohol, Tobacco, Firearms & Explosives, 689 F. Supp. 3d 203, 218 (E.D. Va. 2023) ("Only a nationwide injunction will 'prevent irreparable injury to plaintiffs[....]' However, in recognition of the currently pending parallel litigation concerning the challenge legal regime, the injunction will not apply to the Western District of Louisiana and the Northern District of West Virginia.") (footnotes omitted).

[46] *Compare* Morley, *supra* note 30 at 490–91 ("A Defendant-Oriented Injunction effectively transforms an individual-

(continued...)

seek judicial relief for persons not before the court.[47] However, unlike nationwide injunctions, class actions are subject to specific requirements that must be satisfied before a court can certify a class and award class-wide relief.[48]

In addition, courts faced with an arguably unlawful government action may issue different forms of relief depending on the type of case and the status of litigation. These forms of relief are closely related but have different names and follow different procedures:

- *Temporary restraining order* (TRO)—the most preliminary form of injunctive relief, a TRO serves to prevent imminent harm on a short-term basis while the court considers whether to enter a preliminary injunction. A court may enter a TRO without providing the party to be enjoined notice and an opportunity to respond.[49]
- *Preliminary injunction (PI)*—an injunction designed to preserve the status quo while a case remains pending. Before entering a PI, a court considers a motion from the party seeking the injunction and provides the party to be enjoined the opportunity to respond. Briefing on a motion for PI may be expedited when urgent action is required or when a TRO has been sought but the court wants to hear from both sides. The court may modify or dissolve the injunction during litigation.[50]
- *Permanent injunction*—an injunction that issues once the court has decided a case on the merits.[51] Such an injunction applies indefinitely unless the court sets an expiration date, the issuing court or another court of competent jurisdiction modifies the injunction, or the injunction is overturned on appeal.[52]

In a case involving review of agency action, a court may also *stay* a challenged action pending judicial review or *vacate* an action and remand it to the agency after holding it unlawful.[53] A stay

plaintiff lawsuit into a de facto class action, without satisfying the requirements of Rule 23 or giving the injunction's purported beneficiaries notice of the suit or an opportunity to opt out."), *with* Alan M. Trammell, *Demystifying Nationwide Injunctions*, 98 TEX. L. REV. 67, 72, 108 (2019) (focusing analysis of nationwide injunctions on those issued "in the absence of a duly certified class action"), *and* Frost, *supra* note 4, at 1070 (defining "nationwide injunction" to refer to "an injunction at any stage of the litigation that bars the defendant from taking action against individuals who are not parties to the lawsuit in a case that is not brought as a class action"). *See also, e.g.*, Robinson v. Labrador, 747 F. Supp. 3d 1331, 1348-49 (D. Idaho 2024) (considering whether certain legal concerns about nationwide injunctions apply to a request for class certification and concluding that they do not).

[47] *See* CRS In Focus IF12763, *Class Action Lawsuits: An Introduction*, by Bryan L. Adkins (2024).

[48] *See* Fed. R. Civ. P. 23; *see also* CRS Infographic IG10072, *Class Action Certification Requirements*, by Bryan L. Adkins (2025).

[49] *Temporary Restraining Order*, BLACK'S LAW DICTIONARY (12th ed. 2024). While courts issue TROs against the federal government in some nationwide injunction cases, one commentator notes that he has found no examples of nationwide injunctions against the United States issued *without notice* and opines, "I cannot think of an emergency that clamors for such immediate attention that the judge should grant the plaintiff an ex parte TRO against the ubiquitous United States without any notice at all." Rendleman, *supra* note 29, at 966.

[50] Preliminary Injunction, BLACK'S LAW DICTIONARY (12th ed. 2024).

[51] A *decision on the merits* refers to a court's resolution of the substantive legal issues presented in a case. *See Merits*, BLACK'S LAW DICTIONARY (12th ed. 2024) ("The elements or grounds of a claim or defense; the substantive considerations to be taken into account in deciding a case, as opposed to extraneous or technical points, esp. of procedure[.]"). In nationwide injunction cases, the question on the merits is generally whether a challenged government action is lawful or unlawful.

[52] *Permanent Injunction*, BLACK'S LAW DICTIONARY (12th ed. 2024).

[53] *See, e.g.*, Ryan, LLC v. FTC, No. 3:24-CV-00986-E, 2024 WL 3879954 (N.D. Tex. Aug. 20, 2024); Restaurant L. Ctr. v. Dep't of Lab., 115 F.4th 396 (5th Cir. 2024). *See also District Court Reform*, *supra* note 9, at 1712–13; *infra* "Nationwide Injunctions and APA Litigation." In addition to stays pending judicial review of agency action under the APA, courts may sometimes enter administrative stays to pause policies temporarily in time-sensitive emergency (continued...)

or vacatur may have the same practical effect as an injunction, preventing the challenged regulation or policy from taking effect. However, a stay or vacatur is sometimes viewed as a less extreme remedy than an injunction because it renders the rule or policy itself ineffective rather than directly requiring the government to act or refrain from acting.[54] The government generally does not attempt to enforce policies that have been stayed or vacated,[55] but courts sometimes stay or vacate policies and also enjoin the relevant agencies from enforcing the policies.[56] Alternatively, if a court initially enters a stay or vacatur and the government nonetheless tries to enforce the policy, the court may later grant injunctive relief.[57]

There is no one correct way to resolve the foregoing questions about what qualifies as a nationwide injunction. For purposes of this report, CRS has taken the following approach:

- Included only injunctions issued by federal courts;
- Included only injunctions against the federal government or federal officials, not injunctions that bind states, state officials, or private parties;
- Excluded class actions certified at the time of the nationwide injunction's issuance;[58]
- Excluded injunctions that combine with one or more other injunctions to block policies in their entirety but that, standing alone, do not do so;

litigation. *See, e.g.*, Dellinger v. Bessent, 2025 WL 450488 (D.D.C. Feb. 10, 2025) ("An administrative stay 'buys the court time to deliberate': it 'do[es] not typically reflect the court's consideration of the merits,' but instead 'reflects a first-blush judgment about the relative consequences' of the case. While administrative stays are more common in appellate courts, district courts have recognized their applicability in cases seeking emergency relief[.]") (citing United States v. Texas, 144 S. Ct. 797, 798 (2024) (Barrett, J., concurring) (internal citation omitted). Administrative stays are not included in this report's count of nationwide injunctions.

[54] *See, e.g.*, Texas v. United States, 40 F.4th 205, 219 (5th Cir. 2022) ("There are meaningful differences between an injunction, which is a 'drastic and extraordinary remedy,' and vacatur, which is 'a less drastic remedy.'") (quoting Monsanto Co. v. Geertson Seed Farms, 561 U.S. 139, 165 (2010)); *see also Monsanto Co.*, 561 U.S. at 165–66 ("[i]f a less drastic remedy (such as partial or complete vacatur of [a challenged agency action])" is "sufficient to redress" a plaintiff's injuries, "no recourse to the additional and extraordinary relief of an injunction [is] warranted.").

[55] For discussion of circumstances in which an agency may decline to follow a judicial order invalidating a policy—for example, by refusing to follow the case law of one court of appeals in actions it takes that will be reviewed by a different court of appeals—see CRS Report R47882, *Agency Nonacquiescence: An Overview of Constitutional and Practical Considerations*, by Benjamin M. Barczewski (2023).

[56] *See, e.g.*, Rural & Migrant Ministry v. EPA, 510 F. Supp. 3d 138 (S.D.N.Y. 2020) (granting a "stay and restraining order"); *cf.* New York v. U.S. Dep't of Com., 351 F. Supp. 3d 502, 676–77 (S.D.N.Y. 2019) (discussing when an injunction is necessary in addition to vacatur). It is sometimes unclear whether a court order staying agency action is also granting a nationwide injunction. *See, e.g.*, Chamber of Com. of United States v. Consumer Fin. Prot. Bureau, 733 F. Supp. 3d 558 (N.D. Tex. 2024) (granting a "Motion for Preliminary Injunction to stay the Final Rule from going into effect"); Britto v. Bureau of Alcohol, Tobacco, Firearms & Explosives, No. 2:23-CV-019-Z, 2023 WL 7418291 (N.D. Tex. Nov. 8, 2023) (granting an "injunction prohibiting ATF from enforcing the Rule" and staying the challenged rule). CRS omitted both of these cases from this report's analysis because they did not expressly enjoin enforcement of the challenged agency actions against all persons and entities.

[57] *See, e.g.*, Chamber of Com. of United States. v. NLRB, 723 F. Supp. 3d 498, 519 (E.D. Tex. 2024) (vacating a rule, issuing a declaratory judgment that enforcing the rule would be unlawful, and stating, "Plaintiffs or their members may, of course, seek an injunction should defendants threaten to depart from the declaratory judgment.").

[58] Specifically, CRS excluded from the tables injunctions issued in cases where the court certified a class before or contemporaneously with the issuance of the injunction, even if the class included all persons affected by a challenged government action. CRS included cases in which a motion for class certification was pending at the time the injunction issued, regardless of whether the motion was ultimately granted or denied. *See, e.g.*, Hamama v. Adducci, 261 F. Supp. 3d 820 (E.D. Mich. 2017), *vacated and remanded*, 912 F.3d 869 (6th Cir. 2018) (in a case brought as a class action by Iraqi nationals subject to final orders of removal, issuing a nationwide injunction to prevent such person from being removed from the United States before reaching a decision on class certification).

- Excluded injunctions that block policies in their entirety with the exception of limited carveouts to defer to other courts;
- Included all forms of equitable relief that bar the government from enforcing a policy, such as TROs, PIs, injunctions pending appeal, and permanent injunctions; and
- Excluded stays and vacatur of agency actions unless the agencies were also expressly enjoined from implementing the stayed or vacated actions.

This definition excludes some high-profile court decisions that were widely reported in the press as nationwide inunctions.[59] In some of those cases, the courts expressly considered whether to grant injunctive relief and instead chose to stay or vacate challenged government actions without entering an injunction.[60]

Searching for Nationwide Injunctions

There is no way to automatically identify court orders granting nationwide injunctions. In some cases, courts issue orders explicitly stating that they apply "nationwide" or otherwise block challenged measures in their entirety.[61] However, there is no standard language that courts must use when issuing nationwide injunctions, nor is there an applicable federal statute, procedural rule, or controlling Supreme Court case that courts routinely cite in such orders.[62]

To produce the tables in this report, CRS searched federal cases in Lexis+ for the search terms (("nationwide" OR "nation-wide") w/3 injunction) for date ranges corresponding to President Trump's first term in office and President Biden's term in office.[63] CRS then manually reviewed results to find cases that fit the criteria outlined above. In addition, CRS reviewed news reports

[59] *See, e.g.*, Sarah McCammon, *Judges' Dueling Decisions Put Access to a Key Abortion Drug in Jeopardy Nationwide*, NPR (Apr. 7, 3023), https://www.npr.org/2023/04/07/1159220452/abortion-pill-drug-mifepristone-judge-texas-amarillo; All. for Hippocratic Med. v. FDA, 668 F. Supp. 3d 507, 559–60 (N.D. Tex. 2023), *vacated*, 117 F.4th 336 (5th Cir. 2024); Brad Kutner, *Judge Issues National Injunction Blocking Biden's Airplane Mask Mandate*, NAT'L L.J. (Apr. 18, 2022), https://www.law.com/nationallawjournal/2022/04/18/judge-issues-national-injunction-blocking-bidens-airplane-mask-mandate; Health Freedom Def. Fund, Inc. v. Biden, 599 F. Supp. 3d 1144 (M.D. Fla. 2022). *Cf.* Mark Joseph Stern, *Why Roberts and Kavanaugh Got So Furious at Biden's Solicitor General*, SLATE (Dec. 2, 2022), https://slate.com/news-and-politics/2022/12/supreme-court-biden-immigration-masks-debt-relief-elizabeth-prelogar.html (asserting that some district courts "largely treat vacatur as a form of nationwide injunction—halting the enforcement of a regulation anywhere, by anyone, against any party—so it's fair to use the two terms interchangeably, though they're technically distinct.").

[60] *See, e.g.*, All. for Hippocratic Med. v. FDA, 668 F. Supp. 3d 507, 559–60 (N.D. Tex. 2023), *vacated*, 117 F.4th 336 (5th Cir. 2024) ("Because the Court finds injunctive relief is generally appropriate, Section 705 plainly authorizes the lesser remedy of issuing 'all necessary and appropriate process" to postpone the effective date of the challenged actions.... Accordingly, the Court hereby STAYS the effective date of FDA's September 28, 2000, Approval of mifepristone[.]'").

[61] *E.g.*, Texas v. United States, 524 F. Supp. 3d 598, 667–68 (S.D. Tex. 2021) ("This preliminary injunction is granted on a nationwide basis and prohibits enforcement and implementation of the policies described ... in every place Defendants have jurisdiction to enforce and implement the January 20 Memorandum.").

[62] Some courts issuing nationwide injunctions cite Califano v. Yamasaki, 442 U.S. 682, 702 (1979), for the proposition that "injunctive relief should be no more burdensome to the defendant than necessary to provide complete relief to the plaintiffs." *E.g.*, Chicago v. Barr, 961 F.3d 882, 920–21 (7th Cir. 2020) (citing *Califano* and stating, "It is widely accepted—even by self-professed opponents of universal injunctions—that a court may impose the equitable relief necessary to render complete relief to the plaintiff, even if that relief extends incidentally to non-parties.").

[63] CRS did not run separate Lexis+ searches for alternative terms such as *universal injunction*. Many sources that use that term also include the term *nationwide injunction*. *See, e.g.*, Trump v. Hawaii, 585 U.S. 667, 713 n.1 (2018) (Thomas, J., concurring). Sources that use the term *universal injunction* but not *nationwide injunction* generally relate to universal injunctions against states. *See, e.g.*, Tenn. Conf. of the NAACP v. Lee, 105 F.4th 888, 906 (6th Cir. 2024).

about nationwide injunctions from both Administrations and included cases that fit the criteria but did not show up in the Lexis+ searches. CRS cross-checked these results against the list of nationwide injunctions published in the *Harvard Law Review*, but, because the time frames and methodologies used to produce the two lists differ, there is not complete overlap between them.[64] Due to the lack of standardization in nationwide injunction cases, it is possible that there are other cases that fit this report's criteria for inclusion but were not identified via CRS's methodology.

Counting Nationwide Injunctions

Even after a working definition of *nationwide injunction* has been adopted and cases that fit the definition have been identified, there is still a question of how to count such injunctions. A single federal law or policy may be challenged in multiple cases, and courts may grant, deny, or modify injunctive relief at multiple phases in litigation. This means that there are several possible ways to count nationwide injunctions:

- By *policy*, such that any government action subject to at least one nationwide injunction counts once, regardless of whether it was universally enjoined by one court or multiple courts;
- By *case*, such that each case in which a nationwide injunction was issued at any phase of litigation counts once, regardless of whether the case involved multiple challenged laws or policies, whether multiple nationwide injunctions issued in the case, or whether any such injunctions were upheld, reversed, or modified on appeal; or
- By *order*, such that if a court initially issued a TRO against a challenged policy, then a PI, then a permanent injunction following litigation on the merits, the case would be counted three times.[65]

For purposes of this report, unless otherwise specified, CRS counted nationwide injunctions by case.[66] Each case (or set of consolidated cases) in which at least one nationwide injunction was issued by a federal court at any level is included as a single entry in the tables.[67] Some federal laws, regulations, or policies were subject to nationwide injunctions in multiple cases and thus are included in the count more than once.[68] The tables provide subsequent history related to the nationwide injunctions in each case, indicating whether multiple nationwide injunctions issued in each case and noting relevant decisions on appeal.

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[64] *See District Court Reform*, *supra* note 9, at 1704 ("First, in response to a Freedom of Information Act (FOIA) request to DOJ, editors of the *Law Review* received a dataset of the nationwide injunctions identified by the Department from 1963 into the beginning of 2020. Second, editors compiled a list of nationwide injunctions issued from the beginning of 2020 through the end of 2023.") (footnotes omitted).

[65] Counting by order could arguably lead to inflated numbers because, for example, if a court enters a TRO and then a PI, two orders issue but the practical effect is that a single policy remains blocked. Moreover, a court that enters a TRO in a case may subsequently enter a PI, though this is not a guarantee. *See, e.g.*, Am. Fed'n of Gov't Emps., AFL-CIO v. Ezell, No. 25-10276-GAO, 2025 WL 470459 (D. Mass. Feb. 12, 2025) (dissolving TRO and denying motion for PI). Counting by court order could also raise questions about how to count appellate proceedings—for instance, whether an appellate court ruling upholding a district court order granting a nationwide injunction should count separately.

[66] The exception is the procedural posture section, in which CRS counted nationwide injunctions by court order. *See infra* "Procedural Posture in Nationwide Injunction Cases."

[67] One case in which nationwide injunctions issued under both Administrations is included once in the table for each Administration. *See* E. Bay Sanctuary Covenant v. Barr, 385 F. Supp. 3d 922 (N.D. Cal. 2019); E. Bay Sanctuary Covenant v. Barr, 519 F. Supp. 3d 663 (N.D. Cal. 2021).

[68] *See, e.g.*, Faust v. Vilsack, 519 F. Supp. 3d 470 (E.D. Wis. 2021); Wynn v. Vilsack, 545 F. Supp. 3d 1271 (M.D. Fla. 2021); Holman v. Vilsack, No. 21-1085-STA-JAY, 2021 WL 2877915 (W.D. Tenn. July 8, 2021).

CRS has divided the cases discussed in this report by presidential Administration, covering the first Trump Administration and the Biden Administration.[69] CRS has identified nationwide injunctions by the President who was in office at the time the relevant order issued rather than the Administration that promulgated the enjoined policy. In almost all cases, the Administration that adopted a challenged policy was also the Administration enjoined from enforcing it.[70]

Using the foregoing methodology, and subject to the noted caveats, CRS has identified 86 cases in which nationwide injunctions issued under the first Trump Administration[71] and 28 cases in which nationwide injunctions issued under the Biden Administration.[72] The nationwide injunction was initially issued by a federal district court in all but two of the listed cases, the exceptions being the two injunctions issued initially by federal appellate courts.[73]

The lists of cases in the **Appendix** to this report serve to illustrate some key themes in federal court practice with respect to nationwide injunctions under the first Trump Administration and the Biden Administration. However, for all the foregoing reasons, they should not be understood as definitive lists of every nationwide injunction issued against policies of each Administration.

Analysis of Nationwide Injunctions

The following sections provide analysis of selected trends in the nationwide injunctions issued under the first Trump Administration and the Biden Administration based on the cases identified in the **Appendix**.

Subject Matter of Nationwide Injunction Cases

The charts below provide a breakdown by subject matter of nationwide injunction cases under the first Trump Administration and the Biden Administration. CRS categorized cases by subject matter manually. While some cases raised multiple legal and policy issues and could potentially be classified in multiple subject areas,[74] CRS selected one issue area per case for ease of analysis.

Table 1. Subject Matter of Nationwide Injunction Cases During the First Trump Administration

Topic	Number of Cases
Immigration	36
Federal Funding (Immigration)	10
Health Care	9

[69] Nationwide injunctions issued under the second Trump Administration, *e.g.*, Washington v. Trump, No. C25-0127-JCC, __ F. Supp. 3d __, 2025 WL 272198 (W.D. Wash. Jan. 23, 2025), are outside the scope of this report.

[70] *But see*, *e.g.*, Dialysis Patient Citizens v. Burwell, No. 4:17-CV-16, 2017 WL 365271 (E.D. Tex. Jan. 25, 2017) (TRO against regulation of Medicare-certified dialysis facilities issued under the Obama Administration); Price v. Barr, 514 F. Supp. 3d 171 (D.D.C. 2021), *rev'd and remanded sub nom*. Price v. Garland, 45 F.4th 1059 (D.C. Cir. 2022) (permanent injunction against permit and fee requirements for commercial filming activities in national parks implemented under the Obama Administration and challenged in court under the Trump Administration).

[71] *See infra* **Table A-1**.

[72] *See infra* **Table A-2**.

[73] *See* Nebraska v. Biden, 52 F.4th 1044 (8th Cir. 2022); Career Colls. & Sch. of Tex. v. Dep't of Educ., 98 F.4th 220 (5th Cir. 2024), *cert. granted in part*, No. 24-413, 2025 WL 65914 (U.S. Jan. 10, 2025).

[74] *See*, *e.g.*, *infra* note 75 and accompanying text.

Topic	Number of Cases
Postal Service	6
Census	5
Military	5
Environmental Law	3
First Amendment	3
Firearms	2
Technology	2
Energy	1
Federal Aid	1
FOIA	1
Housing	1
Labor and Employment	1

Source: CRS.

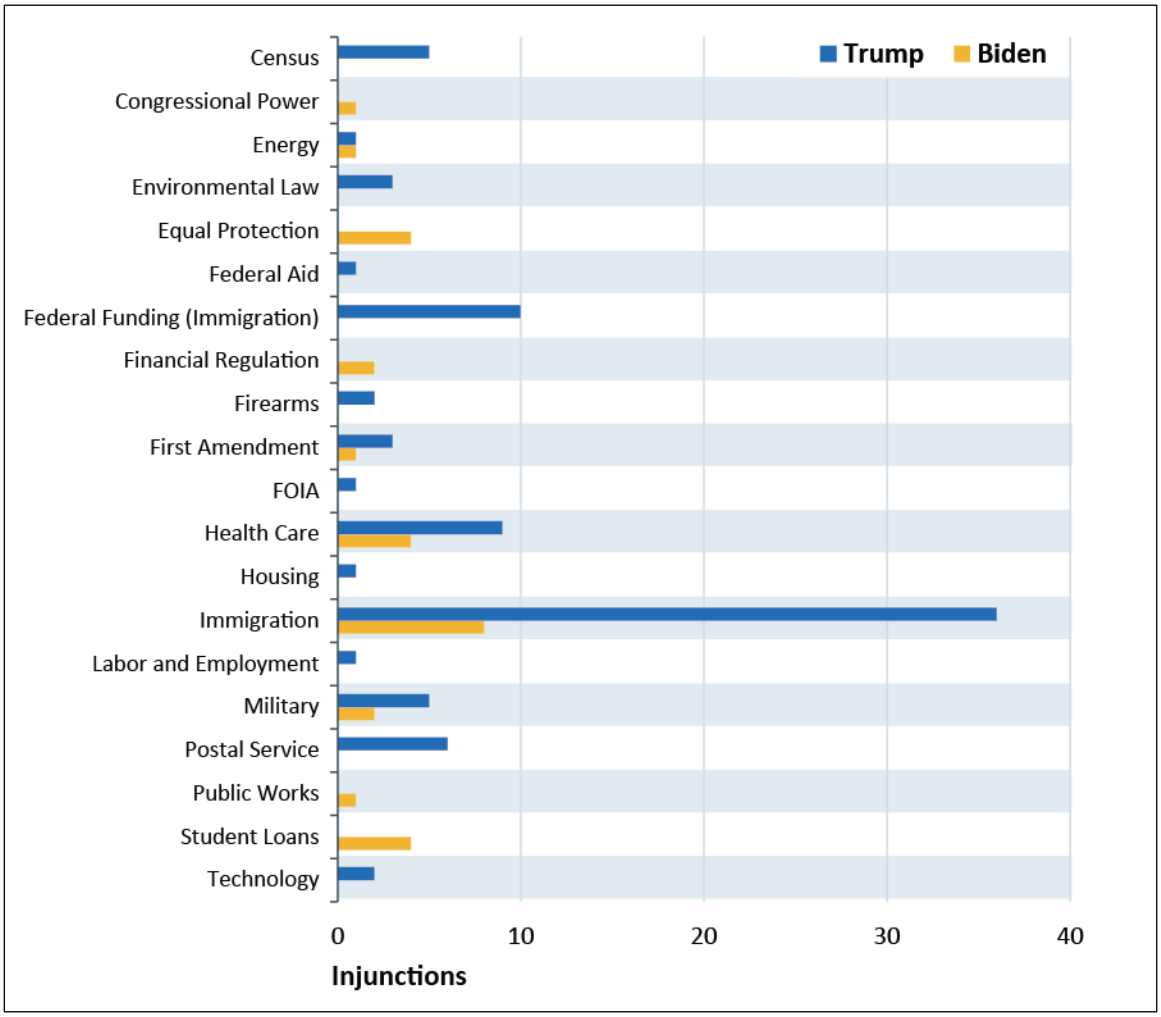
Table 2. Subject Matter of Nationwide Injunction Cases During the Biden Administration

Topic	Number of Cases
Immigration	8
Equal Protection	4
Health Care	4
Student Loans	4
Financial Regulation	2
Military	2
Congressional Power	1
Energy	1
First Amendment	1
Public Works	1

Source: CRS.

Figure 1. Subject Matter of Nationwide Injunction Cases During the First Trump Administration and the Biden Administration

Figure is interactive in the HTML report version.



Source: CRS.

Under both the first Trump Administration and the Biden Administration, the most common subject matter of cases in which nationwide injunctions issued was immigration. Under the first Trump Administration, immigration cases accounted for 36 out of 86 nationwide injunction cases, or 41.9% of the total. In addition, 10 cases under the first Trump Administration, or 11.6%, involved disputes over federal funding that also implicated federal immigration policy. In those 10 cases, the legal issue presented concerned the allocation of federal funds, but the funds were to be allocated or withheld for purposes related to immigration enforcement.[75] Standing alone, those federal funding cases were the second-largest category under the Trump Administration. Combined, immigration cases and federal funding cases that implicated immigration policy

[75] Specifically, some of the cases involved conditioning the receipt of federal funds by states or localities on the jurisdictions' compliance with certain conditions related to immigration policy. *See, e.g.*, Cnty. of Santa Clara v. Trump, 250 F. Supp. 3d 497 (N.D. Cal. 2017). Others involved the allocation of federal funds to construct a wall at the U.S.-Mexico border. *See, e.g.*, Sierra Club v. Trump, 379 F. Supp. 3d 883 (N.D. Cal. 2019), *aff'd*, 963 F.3d 874 (9th Cir. 2020), *vacated and remanded sub nom.* Biden v. Sierra Club, 142 S. Ct. 46 (2021).

accounted for more than half (53.5%) of all nationwide injunction cases under the first Trump Administration. Under the Biden Administration, immigration cases accounted for 8 out of 28 nationwide injunction cases, or 28.6%.

Health care was a common issue in nationwide injunction cases under both Administrations. Under the Trump Administration, health care was the third most common topic with nine cases, or 10.5% of the total. Under the Biden Administration, health care was tied as the second most common issue with four cases, or 14.3% of the total. (There were also four equal protection cases under the Biden Administration, three of which challenged a single program providing loan forgiveness for socially disadvantaged farmers and ranchers,[76] as well as four cases challenging federal policies related to student loans.)

One health care case from the Trump Administration and three from the Biden Administration were directly related to the COVID-19 pandemic, meaning that 4 of the 13 health care cases (30.8%) across both Administrations were related to COVID-19. Thus, even discounting COVID-19-related matters, health care was among the topics most commonly addressed by nationwide injunctions.

Geographic Distribution of Nationwide Injunction Cases

The tables and maps below show the geographic distribution of district courts that issued nationwide injunctions during the first Trump Administration and the Biden Administration. Specifically, they show the number of district court cases in which nationwide injunctions issued in each state under the first Trump Administration and the Biden Administration.[77] Under the Biden Administration, two nationwide injunctions were issued by circuit courts in the first instance after a district court denied a motion for a PI.[78] Those two cases are listed in **Table A-1** in the **Appendix** but are not included in the tables or maps in this section.

Table 3. Geographic Distribution of District Courts Issuing Nationwide Injunctions During the First Trump Administration

State[a]	Number of Cases	District Courts
California		N.D. Cal. – 20
	23	C.D. Cal. – 3
District of Columbia	13	
New York		S.D.N.Y – 7
	11	E.D.N.Y. – 4
Maryland	9	
Washington		W.D. Wa. – 6
	9	E.D. Wa. – 3
Pennsylvania	4	E.D. Pa. – 4
Illinois	3	N.D. Ill. – 3
Hawaii	2	

[76] *See* Faust v. Vilsack, 519 F. Supp. 3d 470 (E.D. Wis. 2021); Wynn v. Vilsack, 545 F. Supp. 3d 1271 (M.D. Fla. 2021); Holman v. Vilsack, No. 21-1085-STA-JAY, 2021 WL 2877915 (W.D. Tenn. July 8, 2021).

[77] Some states contain multiple federal district courts. CRS elected to map nationwide injunctions by state rather than by judicial district because that level of detail appeared most likely to be easily legible and useful to policymakers.

[78] *Nebraska*, 52 F.4th 1044; *Career Colls.*, 98 F.4th 220.

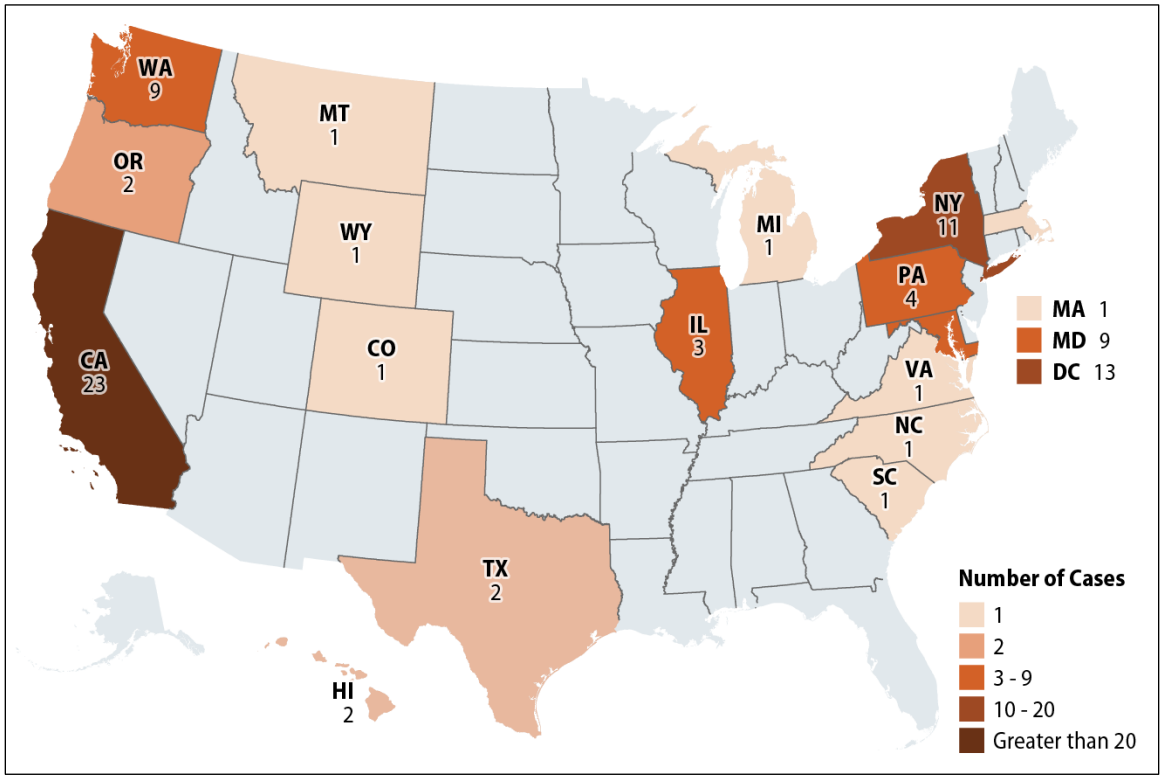
State[a]	Number of Cases	District Courts
Oregon	2	
Texas		E.D. Tex. – 1
	2	W.D. Tex. – 1
Colorado	1	
Massachusetts	1	
Michigan	1	E.D. Mich. – 1
Montana	1	
North Carolina	1	M.D.N.C. – 1
South Carolina	1	
Virginia	1	E.D. Va. – 1
Wyoming	1	

Source: CRS.

Notes: States with no district courts noted contain one judicial district each. No nationwide injunctions were issued in the first instance by federal appellate courts during the first Trump Administration.

a. For purposes of this table, the State column includes the District of Columbia.

Figure 2. Geographic Distribution of District Courts Issuing Nationwide Injunctions During the First Trump Administration



Source: CRS.

Table 4. Geographic Distribution of District Courts Issuing Nationwide Injunctions During the Biden Administration

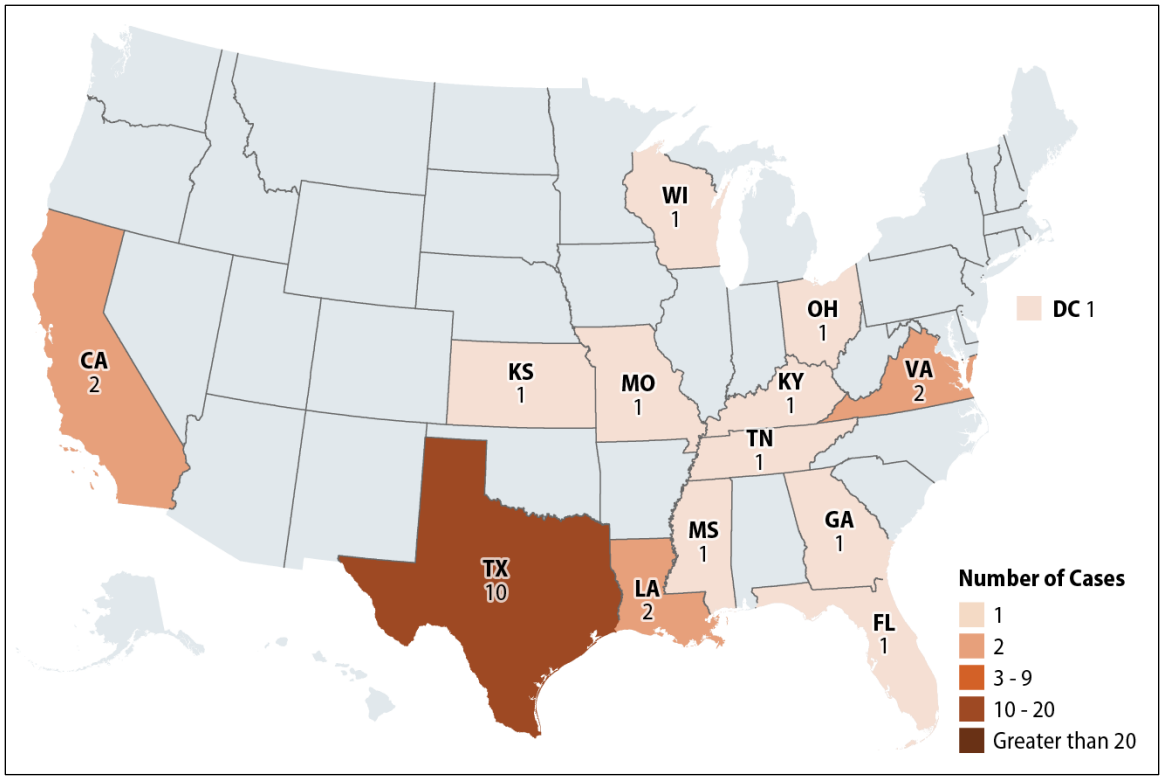
State[a]	Number of Cases	District Courts
Texas	10	S.D. Tex. – 5 N.D. Tex. – 4 E.D. Tex. – 1
California	2	N.D. Cal. – 2
Louisiana	2	W.D. La. – 2
Virginia	2	E.D. Va. – 2
District of Columbia	1	
Florida	1	M.D. Fla. – 1
Georgia	1	S.D. Ga. – 1
Kansas	1	
Kentucky	1	E.D. Ky. – 1
Mississippi	1	S.D. Miss. – 1
Missouri	1	E.D. Mo. – 1
Ohio	1	S.D. Ohio – 1
Tennessee	1	W.D. Tenn. – 1
Wisconsin	1	E.D. Wis. – 1

Source: CRS.

Notes: States with no district courts noted contain one judicial district each. One nationwide injunction issued in the first instance by the U.S. Court of Appeals for the Eighth Circuit and one issued in the first instance by the U.S. Court of Appeals for the Fifth Circuit are omitted from this table.

a. For purposes of this table, the State column includes the District of Columbia.

Figure 3. Geographic Distribution of District Courts Issuing Nationwide Injunction During the Biden Administration



Source: CRS.

During the first Trump Administration, 22 district courts in seventeen states and the District of Columbia issued nationwide injunctions. Federal courts in California issued nationwide injunctions in the largest number of cases—23 in total (20 of which proceeded in the U.S. District Court for the Northern District of California). The District of Columbia accounted for the second-highest number of cases (13), followed by New York (11), Maryland (9), and Washington (9). Courts in some other states issued nationwide injunctions in between one and four cases.

During the Biden Administration, 16 district courts in 13 states and the District of Columbia issued nationwide injunctions. In addition, as noted, two federal circuit courts of appeals issued nationwide injunctions in cases where a district court did not issue a nationwide injunction.[79] Federal courts in Texas issued nationwide injunctions in 10 cases, and district courts in California, Louisiana, and Virginia each issued nationwide injunctions in two cases. No other state's federal courts issued nationwide injunctions in more than one case under the Biden Administration.

Multiple factors may influence the geographic distribution of courts that issue nationwide injunctions. One key factor is forum selection by plaintiffs. When filing a civil suit, the plaintiff selects the court where the suit will initially proceed. Traditionally, the plaintiff is the "master of the forum" and may sue in the court of their choice so long as jurisdiction exists and the venue is appropriate, though defendants and courts may sometimes override the plaintiff's choice of forum.[80] Plaintiffs challenging government action may have significant choice in where to file

[79] *Id.*

[80] *See, e.g.*, Amoche v. Guarantee Trust Life Ins. Co., 556 F.3d 41, 50 (1st Cir. 2009).

suit, because many federal laws and policies affect people in multiple geographic locations.[81] Plaintiffs sometimes seek out specific courts they believe are most likely to rule favorably, a practice known as *forum shopping*.[82]

Some commentators and litigants believe that certain courts or judges are more likely to strike down certain federal policies (or the policies of a particular Administration) or enjoin such policies nationwide.[83] This perception may lead to challengers seeking out those courts or judges, giving them a greater opportunity to enter nationwide injunctions and in turn reinforcing the perception.[84]

Factors other than forum shopping may also influence which courts issue nationwide injunctions. For instance, challenges to federal policies generally proceed in districts where one or more parties are located or where the events giving rise to the litigation occurred.[85] Not all federal policies affect persons nationwide, which may limit the judicial districts where venue is appropriate.[86] In some cases, federal statutes require certain matters to proceed in specific federal courts.[87] Thus, the fact that certain courts issued a relatively large number of nationwide injunctions does not necessarily mean that those courts are more likely than others to issue nationwide injunctions in any particular case.

As discussed further below, to the extent Congress is concerned with the geographic distribution of nationwide injunction cases, it could consider legislation that would channel some or all nationwide injunction cases to specific courts or randomize the assignment of these cases.[88]

Procedural Posture in Nationwide Injunction Cases

Courts can enter injunctions, including nationwide injunctions, at multiple phases of litigation, either before or after full consideration of the merits of a case.[89] It is thus possible for multiple

[81] *See* 28 U.S.C. § 1391(b) (providing that venue may lie in "a judicial district in which any defendant resides" or "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred").

[82] *See, e.g.*, *Forum-shopping*, *supra* note 20 ("The practice of choosing the most favorable jurisdiction or court in which a claim might be heard."). Plaintiffs may consider existing precedents and elect to sue in courts that have interpreted the applicable laws in ways that are more likely to benefit them or avoid courts that they know have interpreted the laws unfavorably. Plaintiffs may also select forums based on how they believe different courts are likely to resolve novel legal questions, sometimes basing their decisions on a perceived partisan lean of the courts or judges. In some federal cases, a plaintiff may attempt to select not only the court in which the claim proceeds but also the specific judge who will hear the case, a practice sometimes referred to as *judge shopping*. *See, e.g.*, Tobi Raji, *One Judge, One Courthouse: Why Judge Shopping Is an Issue in the U.S.*, WASH. POST (Sept. 23, 2024), https://www.washingtonpost.com/national-security/2024/09/23/judge-shopping-kacsmaryk-courts-texas/. For additional discussion of forum shopping and judge shopping, see *infra* "Nationwide Injunctions and Forum Shopping."

[83] *See, e.g.*, *Rule by District Judge*, *supra* note 3, at 2 (statement of Prof. Nicholas Bagley).

[84] *See, e.g.*, Cass, *supra* note 32, at 27–32.

[85] *See* 28 U.S.C. § 1391(b).

[86] California and Texas, the states where district courts issued the most nationwide injunctions under the first Trump Administration and the Biden Administration, respectively, are the two most populous states. *See, Most Populous*, U.S. CENSUS BUREAU, https://www.census.gov/popclock/embed.php?component=populous (last visited Feb. 21, 2025). Both states also border Mexico, so residents and government officials in those states may have a particular interest in immigration policies, which often feature in nationwide injunction cases.

[87] *See, e.g.*, 28 U.S.C. § 2343; 42 U.S.C. § 7607(b).

[88] *See infra* "Nationwide Injunctions and Forum Shopping."

[89] Preliminary injunctive relief, such as a TRO or a PI, serves to preserve the status quo while a court considers the merits. A permanent injunction may be entered after the court considers the merits of the case and generally applies indefinitely unless modified by the issuing court or another court with jurisdiction over the case. *See* "Overview of (continued...)

nationwide injunctions to issue in a single case. To illustrate, a court might enter a nationwide TRO to bar enforcement of a policy for a short time while the court considers a request for a PI.[90] It could then enter a nationwide PI to preserve the status quo pending litigation on the merits.[91] If the challengers eventually prevail on the merits, the court might enter a nationwide permanent injunction against the policy. In the alternative, the court could decline to grant injunctive relief at any of the foregoing stages of litigation, or it could grant an injunction but decline to bar enforcement as to non-parties.

Unlike the tables in the other sections of the report, where nationwide injunctions are counted by case, in this section CRS has counted nationwide injunctions by court order. Because there are some cases in which more than one nationwide injunction was issued, the totals in this section are higher than the case totals in the **Appendix** and the other sections.

Table 5. Procedural Posture of Nationwide Injunctions During the First Trump Administration

Type of Relief	Number of Orders
TRO	11
PI	70
Permanent Injunction	23
Total	**104**

Source: CRS.

Table 6. Procedural Posture of Nationwide Injunctions During the Biden Administration

Type of Relief	Number of Orders
TRO	3
PI	20
Permanent Injunction	7
Total	**30**

Source: CRS.

In the nationwide injunction cases CRS has identified, a significant majority involved nationwide injunctions issued before a final ruling on the merits: 77.9% of orders under the Trump Administration were either TROs or PIs. Under the Biden Administration, that total was 76.7%. By far the most common specific type of order was PIs, which accounted for 67.3% of nationwide injunction orders under President Trump and 66.7% under President Biden.

Injunctive Relief," *in* CRS Report R46902, *Nationwide Injunctions: Law, History, and Proposals for Reform*, by Joanna R. Lampe (2021).

[90] For additional information on the different types of relief available in suits against the government, see CRS Legal Sidebar LSB11271, *Enforcement of Court Orders Against the Executive Branch*, by Joanna R. Lampe (2025). For procedures governing the issuance of TROs and PIs, see FED. R. CIV. P. 65.

[91] *See, e.g.*, Hawai'i v. Trump, 241 F. Supp. 3d 1119 (D. Haw. 2017) (entering TRO); Hawai'i v. Trump, 245 F. Supp. 3d 1227 (D. Haw. 2017) (entering PI), *aff'd in part, vacated in part, remande*d, 859 F.3d 741 (9th Cir. 2017), *vacated as moot*, 583 U.S. 941 (2017).

In some cases, courts issued multiple nationwide injunctions before full consideration of the merits. In some of these cases, the court first issued a nationwide TRO and later issued a PI.[92] In others, the court issued a PI against one government policy, then later issued an additional PI against a separate but related policy.[93]

CRS identified a relatively small number of cases in which courts issued nationwide *permanent* injunctions. A smaller subset of those cases involved a district court entering a nationwide PI followed by a nationwide permanent injunction.[94] There are several possible reasons for the relatively small number of nationwide permanent injunctions. One is that litigation in many nationwide injunction cases does not reach a final decision by a court on the merits of the matter.[95] This may be because the government settles the case or changes policy after an initial adverse ruling[96] or because events render the litigation moot before it works its way through the courts.[97] A nationwide TRO or PI may be reversed on appeal on grounds that leave a district court no discretion to enter a nationwide permanent injunction on remand.[98] Even when persons challenging a policy ultimately prevail on the merits, some final rulings vacate or otherwise invalidate government action without expressly enjoining the government.[99]

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[92] *See, e.g.*, Hawai'i v. Trump, 241 F. Supp. 3d 1119 (D. Haw. 2017) (granting TRO); Hawai'i v. Trump, 245 F. Supp. 3d 1227 (D. Haw. 2017) (granting PI), *aff'd in part, vacated in part, remanded*, 859 F.3d 741 (9th Cir. 2017), *vacated as moot*, 583 U.S. 941 (2017); Texas v. United States, 515 F. Supp. 3d 627 (S.D. Tex. 2021) (order granting TRO), *amended by* 524 F. Supp. 3d 598 (S.D. Tex. 2021) (order granting PI).

[93] *See, e.g.*, New York v. DHS, 408 F. Supp. 3d 334 (S.D.N.Y. 2019) (granting PI), *amended by* 475 F. Supp. 3d 208 (S.D.N.Y. 2020); Walker v. Azar, 480 F. Supp. 3d 417 (E.D.N.Y. 2020) (granting PI), *amended by* Walker v. Azar, No. 20CV2834FBSMG, 2020 WL 6363970 (E.D.N.Y. Oct. 29, 2020).

[94] *See, e.g.*, Cnty. of Santa Clara v. Trump, 250 F. Supp. 3d 497 (N.D. Cal. 2017) (granting PI), *amended by* 275 F. Supp. 3d 1196 (N.D. Cal 2017) (granting permanent injunction), *aff'd in part and vacated in part*, City & Cnty. of San Francisco v. Trump, 897 F.3d 1225 (9th Cir. 2018) (vacating nationwide injunction); City of Chicago v. Sessions, 264 F. Supp. 3d 933 (N.D. Ill. 2017) (granting PI), *amended by* 321 F. Supp. 3d 855 (N.D. Ill. 2018) (granting permanent injunction).

[95] *Cf.* Steve Vladeck, *Bonus 109: The Spring 2025 Emergency Docket*, ONE FIRST (Nov. 21, 2024), https://www.stevevladeck.com/p/bonus-109-the-spring-2025-emergency (noting with respect to cases on the Supreme Court's emergency docket during the first Trump Administration, which included but were not limited to nationwide injunction cases, that "almost all of those cases never made it back to the Court for plenary review").

[96] *Compare* Feds for Med. Freedom v. Biden, 581 F. Supp. 3d 826 (S.D. Tex. 2022) (granting PI), *vacated*, 144 S. Ct. 480 (2023) *with* Amelia Gruber, *It's Official: No More COVID Vaccine Mandate for Federal Workers and Contractors*, GOVERNMENT EXECUTIVE (May 9, 2023), https://www.govexec.com/workforce/2023/05/covid-vaccine-mandate-federal-workers-contractors-over/386123/.

[97] *Compare* Nat'l Urb. League v. Ross, 489 F. Supp. 3d 939 (N.D. Cal. 2020) (PI against U.S. Census Bureau decision to reduce time frames for data collection and processing for the 2020 census) *with* Press Release, U.S. Census Bureau, Statement on 2020 Census Data Collection Ending (Oct. 13, 2020) [hereinafter 2020 Census Collection Statement], https://www.census.gov/newsroom/press-releases/2020/2020-census-data-collection-ending.html (announcing that "field data collection operations for the 2020 Census will conclude on October 15, 2020," following the Supreme Court's stay of the district court's injunction).

[98] *See, e.g.*, Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania, 591 U.S. 657, 663 (2020) ("We hold that the Departments had the authority to provide exemptions from the regulatory contraceptive requirements for employers with religious and conscientious objections. We accordingly reverse the Third Circuit's judgment and remand with instructions to dissolve the nationwide preliminary injunction.")

[99] *See, e.g.*, Chamber of Com. of United States v. NLRB, 723 F.Supp.3d 498, 519 (E.D. Tex. 2024) (granting declaratory judgment and vacating challenged rule but stating, "It is 'anticipated that [defendants] would respect the declaratory judgment,' so the court chooses not to issue an injunction at this time") (quoting Poe v. Gerstein, 417 U.S. 281, 281 (1974) (internal citation omitted)). The government may appeal such rulings but generally abides by rulings that are in effect even if not required to do so by an injunction. If the government attempts to enforce a policy that a court has invalidated, affected parties may return to court and seek an injunction. *See Chamber of Com.*, 723 F.Supp.3d at 519 ("Plaintiffs or their members may, of course, seek an injunction should defendants threaten to depart from the declaratory judgment.").

As discussed further below, some commentators raise particular legal and policy concerns about nationwide injunctions issued before full consideration of the merits of a case, and some proposed reforms specifically target nationwide TROs and PIs.[100]

Nationwide Injunction Cases on Appeal

Decisions of lower federal courts granting or denying nationwide injunctions are reviewable on appeal. With respect to district court decisions, an order granting or denying an injunction, including a nationwide injunction, is usually immediately appealable to the relevant federal circuit court.[101] With respect to decisions of the federal appeals courts, a party may seek immediate Supreme Court review of an appeals court decision granting or denying injunctive relief, though the Supreme Court generally has discretion whether or not to consider those matters.[102]

While court decisions granting or denying injunctive relief are generally appealable as a matter of law, as a practical matter, some decisions granting nationwide injunctions are not reviewed on appeal.[103] If an appellate court does review a decision granting a nationwide injunction, there are several ways it may rule on the case. One option is that the reviewing court may affirm or reverse on the merits of the case. Because success, or likelihood of success, on the merits is one factor relevant to the issuance of injunctive relief,[104] a holding that a party challenging government action has not prevailed or is not likely to prevail is grounds for reversal of a nationwide injunction. A reviewing court may also affirm or reverse specifically as to the propriety of issuing a nationwide injunction. If a case presents multiple legal issues, a reviewing court may affirm in part and reverse in part, either on the merits or on the question of injunctive relief. If a case is subject to review by both an appeals court and the Supreme Court, rulings may differ at different levels of review in terms of both their reasoning and their outcome.

It is challenging to reduce this complexity to something that can be easily quantified, and in doing so some nuance is necessarily lost. For purposes of this report, CRS has classified appellate dispositions in nationwide injunction cases into the following categories:

- **No relevant appellate decision—**cases where no appeal was filed and cases where an appeal was filed but an appellate court did not issue a decision that directly implicated the propriety of the nationwide injunction;
- **Reversed on the merits—**cases where a reviewing appellate court held that the party challenging a government action had not succeeded, or was not likely to succeed, on the merits of the challenge;[105]

[100] *See infra* "Substantive and Procedural Limits on Nationwide Injunctions."

[101] *See* 28 U.S.C. § 1292 (authorizing appeals from interlocutory decisions, including orders "granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions"). A TRO is usually not immediately appealable, but, in certain circumstances, a TRO may be treated as an appealable PI so that a lower court cannot "shield its orders from appellate review merely by designating them as temporary restraining orders." Sampson v. Murray, 415 U.S. 61, 87 (1974).

[102] *See* 28 U.S.C. § 1254 ("Cases in the courts of appeals may be reviewed by the Supreme Court by ... writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.").

[103] *See infra* notes 114–115 and accompanying text.

[104] *See, e.g.*, Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008).

[105] In a small number of cases, a reviewing appellate court both reversed on the merits and also specifically held that a nationwide injunction was not warranted. *See, e.g.*, Casa de Maryland, Inc. v. Trump, 971 F.3d 220, 255–56 (4th Cir. 2020) ("The plaintiffs are therefore unlikely to succeed on the merits because the DHS Rule is lawful. As the Supreme (continued...)

- **Reversed nationwide injunction**—cases where a reviewing appellate court held that the party challenging a government action had succeeded, or was likely to succeed, on the merits of the challenge, but a nationwide injunction was not warranted;
- **Affirmed but narrowed nationwide injunction**—cases where a reviewing appellate court affirmed a lower court order issuing a nationwide injunction but narrowed the scope of the injunction;[106] and
- **Affirmed**—cases where a reviewing appellate court affirmed a lower court order issuing a nationwide injunction.[107]

CRS placed each case into one of the foregoing categories based on the ruling of the highest court to issue a relevant decision (i.e., either a federal circuit court or the Supreme Court in cases where the Court heard an appeal).[108]

CRS omitted from this analysis district court decisions granting or denying stays of nationwide injunctions issued by the same judge[109] and appellate court decisions granting and denying stays pending appeal of nationwide injunctions issued by lower courts.[110] Such stays of court decisions are distinct from stays of agency action pending judicial review.[111] As a practical matter, the grant or denial of a stay of a nationwide injunction can have significant implications for the parties to litigation and federal policy generally.[112] However, stay motions are preliminary by nature, and courts often grant or deny stays without full briefing, oral argument, or a written decision.[113] This

Court has noted, a likelihood of success on the merits is the most critical factor supporting issuance of a preliminary injunction, and that likelihood simply is not present here.... A nationwide injunction is a drastic remedy and it was plainly improper here."), *vacated*, 981 F.3d 311 (4th Cir. 2020). Because success or likelihood of success on the merits is a prerequisite for any injunctive relief, CRS categorized these cases as having been reversed on the merits.

[106] In two cases in this category, which were reviewed in a single appeal, the appeals court declined to consider whether the district court had abused its discretion in issuing a nationwide injunction but held, "Instead, we exercise our own discretion ... to modify the injunction, limiting it to the states of New York, Connecticut, and Vermont." New York v. DHS, 969 F.3d 42, 88 (2d Cir. 2020). In the other two cases, the court narrowed a nationwide injunction but left some part of a government action enjoined in its entirety while other portions of the action blocked by the lower court were permitted to be enforced. *See* Int'l Refugee Assistance Project v. Trump, 241 F. Supp. 3d 539 (D. Md. 2017); City & Cnty. of San Francisco v. Sessions, 372 F. Supp. 3d 928 (N.D. Cal. 2019), *aff'd in part, vacated in part, remanded sub nom.* City & Cnty. of San Francisco v. Garland, 42 F.4th 1078 (9th Cir. 2022).

[107] In one case in this category, an appellate court affirmed the issuance of a nationwide injunction and held that additional portions of the challenged rule should be universally enjoined. *See* Missouri v. Biden, 738 F. Supp. 3d 1113 (E.D. Mo. 2024), *aff'd in part, amended in part, sub nom.* Missouri v. Trump, Nos. 24-2332, 24-2351, 2025 WL 518130 (8th Cir. Feb. 18, 2025).

[108] To illustrate, in one case, the U.S. Court of Appeals for the Ninth Circuit affirmed a decision of the district court, then the Supreme Court vacated and remanded with directions to the district court to "consider what further proceedings are necessary and appropriate in light of the changed circumstances in this case." Sierra Club v. Trump, 379 F. Supp. 3d 883 (N.D. Cal. 2019), *aff'd*, 963 F.3d 874 (9th Cir. 2020), *vacated and remanded sub nom.* Biden v. Sierra Club, 142 S. Ct. 46 (2021). CRS classified that case as an affirmance because the Supreme Court did not consider the merits of the lower courts' decisions.

[109] Occasionally, a district court will enter a nationwide injunction but immediately stay its nationwide scope. *See, e.g.*, *San Francisco*, 372 F. Supp. 3d at 954.

[110] *See, e.g.*, Trump v. Karnoski, 586 U.S. 1124 (2019) ("[T]he District Court's December 11, 2017 order granting a preliminary injunction is stayed pending disposition of the Government's appeal in the United States Court of Appeals for the Ninth Circuit and disposition of the Government's petition for a writ of certiorari, if such writ is sought.").

[111] *See infra* "Nationwide Injunctions and APA Litigation."

[112] *See, e.g.*, 2020 Census Collection Statement, *supra* note 97.

[113] For discussion of Supreme Court litigation over injunctive relief and requests to stay such relief, see "Motions Practice: The 'Shadow Docket,'" *in* CRS Report R47382, *Congressional Control over the Supreme Court*, by Joanna R. Lampe (2023).

makes it difficult to evaluate courts' reasoning or draw conclusions from such orders. Thus, cases where the only appellate court decisions involved motions for a stay of a nationwide injunction are classified as cases with no relevant appellate decision.

The following tables identify the outcome of appeals in nationwide injunction cases under the first Trump Administration and the Biden Administration.

Table 7. Nationwide Injunction Cases on Appeal During the First Trump Administration

Disposition	Number of Cases
No relevant appellate decision	48
Reversed on the merits	17
Reversed nationwide injunction	6
Affirmed but narrowed nationwide injunction	4
Affirmed	11

Source: CRS.

Table 8. Nationwide Injunction Cases on Appeal During the Biden Administration

Disposition	Number of Cases
No relevant appellate decision	18
Reversed on the merits	3
Reversed nationwide injunction	4
Affirmed	3

Source: CRS.

In the majority of nationwide injunction cases under both the first Trump Administration and the Biden Administration, CRS identified no relevant appellate decision. This was true for 48 cases under the Trump Administration, or 55.8% of all cases, and 18 cases under the Biden Administration, or 64.3%.

There are a number of reasons why a nationwide injunction case may not be reviewed on appeal. The government may elect not to appeal following an adverse ruling,[114] or the case may become moot due to real world developments before an appellate decision issues.[115] In some of the cases CRS identified, particularly cases under the Biden Administration, litigation remains pending as of March 2025, so it is possible that additional relevant appellate decisions could issue in the future.

The fact that a nationwide injunction has not been subject to substantive appellate review does not necessarily mean that the injunction remains in effect indefinitely. For example, a nationwide

[114] *Cf.* United States v. Mendoza, 464 U.S. 154, 160–61 (1984) (discussing considerations involved in the government's decision whether to appeal an adverse court ruling).

[115] *See, e.g.*, Biden v. Feds for Med. Freedom, 144 S. Ct. 480 (2023).

injunction may be stayed in full or in part pending appeal.[116] Additionally, if a case becomes moot on appeal, appellate courts sometimes direct district courts to vacate their decisions as moot.[117]

Of the 38 cases under the first Trump Administration where CRS identified a relevant appellate decision, 15, or 39.5%, were affirmed. In some of the affirmances, the reviewing court expressly held that a nationwide injunction was appropriate.[118] In other cases, the appellate court affirmed without expressly discussing the propriety of a nationwide injunction.[119] In four of the affirmances, which are classified separately in **Table 7** but included in the 39.5% noted above, an appellate court affirmed the nationwide injunction in part, narrowing its scope but leaving at least part of a challenged policy blocked.[120] Among the reversals, 17 cases (44.7% of the 38 cases with relevant appellate decisions) were reversed on the merits. The remaining six cases (15.8%) were reversed only as to the nationwide injunction, meaning that the appellate court found that the challenged policy was, or likely was, unlawful but limited the scope of injunctive relief to the plaintiffs.[121]

Of the 10 cases under the Biden Administration where CRS identified a relevant appellate decision, three, or 30.0%, were affirmed.[122] Among the reversals, three (30.0% of the cases with a relevant appellate decision) were reversed on the merits,[123] and four (40.0%) were reversed only

[116] *See, e.g.*, *Karnoski*, 586 U.S. 1124; City & Cnty. of San Francisco v. Sessions, 372 F. Supp. 3d 928, 954 (N.D. Cal. 2019).

[117] *See, e.g.*, *Feds for Med. Freedom*, 144 S. Ct. 480. *Cf.* United States v. Munsingwear, Inc., 340 U.S. 36, 39 (1950) ("The established practice of the Court in dealing with a civil case from a court in the federal system which has become moot while on its way here or pending our decision on the merits is to reverse or vacate the judgment below and remand with a direction to dismiss.").

[118] *See, e.g.*, Roe v. Dep't of Def., 947 F.3d 207, 234 (4th Cir. 2020).

[119] *See, e.g.*, Dep't of Com. v. New York, 588 U.S. 752 (2019).

[120] *See* Int'l Refugee Assistance Project v. Trump, 241 F. Supp. 3d 539 (D. Md. 2017); City & Cnty. of San Francisco v. Sessions, 372 F. Supp. 3d 928 (N.D. Cal. 2019); New York v. DHS, 408 F. Supp. 3d 334 (S.D.N.Y. 2019), *aff'd as modified*, 969 F.3d 42 (2d Cir. 2020); Make the Rd. New York v. Cuccinelli, 419 F. Supp. 3d 647 (S.D.N.Y. 2019), *aff'd as modified sub nom. New York*, 969 F.3d 42.

[121] *See* Cnty. of Santa Clara v. Trump, 250 F. Supp. 3d 497 (N.D. Cal. 2017) (granting PI), *amended by* 275 F. Supp. 3d 1196 (N.D. Cal 2017) (granting permanent injunction), *aff'd in part and vacated in part*, City & Cnty. of San Francisco v. Trump, 897 F.3d 1225 (9th Cir. 2018) (vacating nationwide injunction); City of Chicago v. Sessions, 264 F. Supp. 3d 933 (N.D. Ill. 2017), *aff'd*, 888 F.3d 272 (7th Cir. 2018), *reh'g en banc granted in part, vacated in part*, No. 17-2991, 2018 WL 4268817 (7th Cir. June 4, 2018), *vacated*, No. 17-2991, 2018 WL 4268814 (7th Cir. Aug. 10, 2018); California v. Health & Hum. Servs., 281 F. Supp. 3d 806 (N.D. Cal. 2017), *aff'd in part, vacated in part, remanded sub nom.* California v. Azar, 911 F.3d 558 (9th Cir. 2018); Free Speech Coal., Inc. v. Sessions, 322 F. Supp. 3d 605 (E.D. Pa. 2018), *aff'd in part, vacated in part, rev'd in part sub nom.* Free Speech Coal., Inc. v. Att'y Gen. United States, 974 F.3d 408 (3d Cir. 2020); City & Cnty. of San Francisco v. Sessions, 349 F. Supp. 3d 924 (N.D. Cal. 2018), *judgment entered sub nom.* California *ex rel.* Becerra v. Sessions, No. 3:17-CV-04701-WHO, 2018 WL 6069940 (N.D. Cal. Nov. 20, 2018), *aff'd in part, vacated in part sub nom*. City & Cnty. of San Francisco v. Barr, 965 F.3d 753 (9th Cir. 2020); Washington v. DHS, 408 F. Supp. 3d 1191 (E.D. Wash. 2019), *aff'd in part, vacated in part sub nom.* City & Cnty. of San Francisco v. U.S. Citizenship & Immigr. Servs., 981 F.3d 742 (9th Cir. 2020).

[122] In one of those cases, the district court that initially heard the case dismissed for lack of standing and declined to enter an injunction, then the Eighth Circuit granted an injunction pending appeal. The Supreme Court reversed the district court, agreeing with the appeals court that the challenged policy was unlawful. *See* Nebraska v. Biden, 52 F.4th 1044 (8th Cir. 2022). *Cf.* Nebraska v. Biden, 636 F. Supp. 3d 991 (E.D. Mo. 2022), *rev'd*, 143 S. Ct. 2355 (2023). In another, the appellate court initially reversed the district court's grant of a nationwide injunction, then granted rehearing en banc and affirmed. The Supreme Court ultimately vacated the judgment and directed the district court to dismiss as moot after President Biden revoked the challenged policy. Feds for Med. Freedom v. Biden, 581 F. Supp. 3d 826 (S.D. Tex. 2022).

[123] *See* Price v. Barr, 514 F. Supp. 3d 171 (D.D.C. 2021), *rev'd and remanded sub nom.* Price v. Garland, 45 F.4th 1059 (D.C. Cir. 2022); Texas v. Biden, 554 F. Supp. 3d 818 (N.D. Tex. 2021), *rev'd*, 597 U.S. 785 (2022); Arizona v. Biden, 593 F. Supp. 3d 676 (S.D. Ohio 2022), *rev'd*, 40 F.4th 375 (6th Cir. 2022).

as to the scope of injunctive relief.[124] As noted, as of March 2025, appeals remain pending in a number of cases in which nationwide injunctions were issued under the Biden Administration.

Considerations for Congress

Congress has significant ability to legislate with respect to nationwide injunctions as part of its broad constitutional authority to regulate the federal courts.[125] The data in this CRS report may help inform the legal and policy debate around nationwide injunctions in several areas, though there are also some areas that may benefit from analysis beyond the scope of this report.

Number of Nationwide Injunctions

This CRS report builds on several other sources that have tried to identify and count nationwide injunctions. A February 2020 address by a DOJ official identified 12 nationwide injunctions issued during the presidency of George W. Bush, 19 issued during Barack Obama's presidency, and 55 against the Trump Administration up to that point.[126] The April 2024 *Harvard Law Review* article identified six nationwide injunctions issued under the George W. Bush Administration, 12 under the Obama Administration, 64 under the Trump Administration, and 14 from the first three years of the Biden Administration.[127] This report now identifies 86 nationwide injunction cases under the first Trump Administration and 28 under the Biden Administration. The numbers in each of these sources vary, likely due to differences in the methodologies used to identify and count nationwide injunctions. However, they all fit the same general trend: It appears that nationwide injunctions increased during each presidential Administration from George W. Bush to Donald Trump's first term in office. Under President Biden, the number of nationwide injunctions decreased significantly from the Trump Administration but remained higher than the total under any previous presidential Administration.[128]

The reasons for the decrease in the frequency of nationwide injunctions during the Biden Administration is unclear. While the decrease might be due in part to the nature of the particular policies pursued by the Biden Administration and the legal challenges brought against them,[129] it might also be caused in part by more general shifts in how courts handle requests for universal relief. In a number of recent cases, courts considering requests for nationwide injunctions in challenges to agency action under the APA have instead elected to stay or vacate the challenged agency action.[130] Those cases are generally not included in CRS's count of nationwide injunctions

[124] *See* Louisiana v. Biden, 543 F. Supp. 3d 388 (W.D. La. 2021), *vacated*, 45 F.4th 841 (5th Cir. 2022); Texas v. United States, 549 F. Supp. 3d 572 (S.D. Tex. 2021), *aff'd in part, vacated in part, remanded*, 50 F.4th 498 (5th Cir. 2022), *and supplemented*, No. 1:18-CV-00068, 2023 WL 5950808 (S.D. Tex. Sept. 13, 2023), *and aff'd in part, modified in part*, 126 F.4th 392 (5th Cir. 2025); Georgia v. Biden, 574 F. Supp. 3d 1337 (S.D. Ga. 2021), *aff'd in part, vacated in part sub nom.* Georgia v. President of the United States, 46 F.4th 1283 (11th Cir. 2022); Braidwood Mgmt., Inc. v. Becerra, 666 F. Supp. 3d 613 (N.D. Tex. 2023), *aff'd in part, rev'd in part*, 104 F.4th 930 (9th Cir. 2024), *cert. denied*, No. 24-475, 2025 WL 76462 (U.S. Jan. 13, 2025).

[125] *See generally* Cong. Rsch. Serv., *Overview of Establishment of Article III Courts*, CONSTITUTION ANNOTATED, https://constitution.congress.gov/browse/essay/artIII-S1-8-1/ALDE_00013557 (last visited Feb. 7, 2025).

[126] Jeffrey A. Rosen, Deputy Att'y General, Address at the Administrative Conference of the United States Forum on Nationwide Injunctions and Federal Regulatory Programs (Feb. 12, 2020).

[127] *District Court Reform*, *supra* note 9, at 1705.

[128] *Cf. id.* at 1702 ("nationwide injunctions have indeed grown much more common, dramatically spiking during the Trump Administration before decreasing during the Biden Administration.").

[129] *See, e.g.*, *id.*

[130] *See, e.g.*, All. for Hippocratic Med. v. FDA, 668 F. Supp. 3d 507, 559–60 (N.D. Tex. 2023).

but also have the effect of halting a challenged policy in its entirety.[131] Additional study may be warranted on the extent to which courts are preventing the enforcement of federal policy through stays or vacatur rather than injunctions.[132]

It remains to be seen how many nationwide injunctions will issue under the second Trump Administration. As of March 2025, multiple district courts had issued nationwide injunctions against policies of the second Trump Administration.[133] Additional data from the current Administration may help clarify any trends in the issuance of nationwide injunctions. As noted above, there is currently no way to automatically identify nationwide injunction cases.[134] If Congress enacted a statute or rule of procedure governing nationwide injunctions, observers might be able to identify nationwide injunctions by searching for cases that cite the statute or rule.[135] Congress could also direct the courts or a federal agency to provide reports to Congress on the issuance of nationwide injunctions.[136]

Regulating Nationwide Injunction Cases by Subject Matter

Some discussion of nationwide injunctions focuses on whether non-party relief is appropriate in particular contexts such as immigration,[137] environmental regulation,[138] and certain civil rights cases, as all of these are areas where it may be difficult to tailor relief to the parties before the court.[139]

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[131] The editors of the *Harvard Law Review* also excluded vacatur from their count of nationwide injunctions. *See District Court Reform*, *supra* note 9, at 1712–13.

[132] For additional discussion of APA litigation, see *infra* "Nationwide Injunctions and APA Litigation."

[133] *E.g.*, Washington v. Trump, No. C25-0127-JCC, __ F. Supp. 3d __, 2025 WL 272198 (W.D. Wash. Jan. 23, 2025); CASA, Inc. v. Trump, No. DLB-25-201, __ F. Supp. 3d __, 2025 WL 408636 (D. Md. Feb. 5, 2025); Nat'l Council of Nonprofits v. Off. of Mgmt. & Budget, No. 25-239, __ F. Supp. 3d __, 2025 WL 368852 (D.D.C. Feb. 3, 2025).

[134] *See supra* "Searching for Nationwide Injunctions."

[135] For discussion of Congress's power to regulate court procedures, see CRS In Focus IF11557, *Congress, the Judiciary, and Civil and Criminal Procedure*, by Joanna R. Lampe (2020).

[136] *See, e.g.*, 28 U.S.C. § 2266 (requiring the Administrative Office of the United States Courts (AO) to submit reports to Congress on courts' compliance with time limits for ruling on certain habeas petitions and requiring courts to provide certain information to the director of the AO for inclusion in such reports); John D. Dingell, Jr. Conservation, Management, and Recreation Act, Pub. L. No. 116-9, § 4201, 133 Stat. 762 (2019) (requiring the Administrative Conference of the United States to submit reports to Congress on fee awards under the Equal Access to Justice Act).

[137] *See infra* notes 143–150 and accompanying text.

[138] *E.g.*, Wyoming v. Dep't of Agric., No. 07-CV-017-B, 2009 WL 10670655, at *2 (D. Wyo. June 15, 2009) (holding, in case challenging a rule limiting road construction in roadless areas in national forests, "Limiting the scope of the injunction to Wyoming ... would be illogical. The Rule was enacted and enforced on a nationwide basis. It was not tailored to address the forests of each state as separate entities. It would make little sense, then, to tailor the remedy by limiting the injunction to the State of Wyoming. If the Rule is illegal, as this Court has found it to be, then it is illegal nationwide, just as it was enforced nationwide."). *But see* Colorado v. EPA, 445 F. Supp. 3d 1295, 1300, 1313 n.12 (D. Colo. 2020), *rev'd* 989 F.3d 874 (10th Cir. 2021) (noting, in challenge to subsequent "waters of the United States" rule, "Colorado does not seek a nationwide injunction ... , presumably because Colorado is downstream of no other state, so it is difficult for Colorado to argue that implementation of the New Rule elsewhere affects Colorado."). *Compare* Frost, *supra* note 4, at 1094 ("[I]t would be difficult to craft injunctive relief limited to the plaintiff alone, or to a single geographic region, in cases involving easily dispersed or mobile items, such as cases concerning endangered species or the safety of food or medical devices."), *with Rule by District Judge*, *supra* note 3, at 7 (statement of Prof. Nicholas Bagley) (citing environmental litigation as an example of an area where nationwide injunctions can cause significant disruption and uncertainty if injunctions stop and start as a case is on appeal or if multiple rounds of regulation are enjoined).

[139] For instance, some courts have held that in desegregation cases, a court order requiring a segregated facility to admit a single plaintiff does not fully resolve the issues presented or provide the plaintiff with the full benefit of attending an integrated facility. *See, e.g.*, Morley, *supra* note 30, at 491 n.15.

The data in this report indicate that immigration cases make up a relatively large share of nationwide injunction cases. As noted above, immigration was the most common issue in nationwide injunction cases under both the first Trump Administration and the Biden Administration.[140] Immigration cases and federal funding cases that implicated immigration policy collectively accounted for more than half of all nationwide injunction cases under the Trump Administration. Under the Biden Administration, immigration cases accounted for 28.6% of nationwide injunction cases. Policymakers may therefore wish to consider whether these cases present unique legal and policy considerations.

Some commentators contend that nationwide injunctions may be more likely to be appropriate in immigration cases because more limited injunctions may not afford complete relief to the parties.[141] With respect to challenged policies that *exclude* foreign nationals, some assert that immigration restrictions may affect certain stakeholders in ways that make it difficult to target relief.[142] For instance, a university may benefit from the academic, professional, and financial contributions of an indeterminate class of international students, faculty, and staff.[143] Immigration policies that bar individuals from entering the country may also create a large class of people who are affected by an allegedly illegal policy but unable as a practical matter to challenge it in court.[144] With respect to policies that *allow* foreign nationals to enter or remain in the country, because people can move freely within the United States once admitted, some courts and commentators assert that piecemeal injunctions of such immigration policies may afford no meaningful relief to states or other parties who seek to prevent illegal entry.[145] States may allege economic consequences from certain foreign nationals' exclusion from or continued presence within the United States and may contend that these harms warrant universal relief.[146] In 2023, the Supreme Court in *United States v. Texas* recognized constitutional limits to states' ability to challenge certain immigration policies, including changes in immigration enforcement priorities related to the arrest and removal of aliens who have committed immigration violations.[147]

Some courts granting or affirming nationwide injunctions in this area have pointed to a provision of Article I of the Constitution that empowers Congress to "establish an uniform Rule of Naturalization."[148] Some commentators disagree with that reasoning.[149] Some argue for reforms

[140] *See supra* "Subject Matter of Nationwide Injunction Cases."

[141] *See, e.g.*, Frost, *supra* note 4, at 1091.

[142] *See id.*

[143] *E.g.*, Washington v. Trump, 847 F.3d 1151, 1159–60 (9th Cir. 2017).

[144] *See, e.g.*, Frost, *supra* note 4, at 1094–97.

[145] Cass, *supra* note 32, at 39–40. *See also* Texas v. United States, 787 F.3d 733, 769 (5th Cir. 2015) ("[T]here is a substantial likelihood that a partial injunction would be ineffective because DAPA beneficiaries would be free to move between states.").

[146] *E.g.*, Brief for Respondent at 77, Trump v. Hawaii, 585 U.S. 667 (2018); *Texas*, 787 F.3d at 768.

[147] 599 U.S. 670, 676-78 (2023). The Court cautioned that while states generally lack standing to bring cases challenging the executive branch's alleged failure to make more immigration arrests, there could be specific instances where states could bring a cognizable claim, and the Court took no position on whether a state could challenge a policy that coupled a change in enforcement priorities with the provision of legal benefits or status to a category of removable aliens. *Id*. at 682-83.

[148] U.S. CONST. art. I, § 8, cl. 4. *See also* Texas v. United States, 809 F.3d 134, 187–88 (5th Cir. 2015), Washington v. Trump, 847 F.3d at 1166–67.

[149] *See, e.g.*, Samuel Bray, *National Injunction Case Added to the Court's Docket*, VOLOKH CONSPIRACY (Oct. 19, 2020, 10:27 AM), https://reason.com/volokh/2020/10/19/national-injunction-case-added-to-the-courts-docket/; Frost, *supra* note 4, at 1103.

that would impose limits on nationwide injunctions specifically in the context of immigration cases.[150]

With respect to the other specific categories of cases identified by commentators, environmental and civil rights cases did not make up a large proportion of nationwide injunction cases under the Trump and Biden Administrations. Congress could still consider targeted reforms to nationwide injunctions in those areas, but if trends from the past two Administrations continue, such reforms might affect a small number of cases.

Nationwide Injunctions and Forum Shopping

Forum shopping refers to the practice whereby some plaintiffs seek to litigate in a court that they believe is more likely to rule favorably on their claims.[151] Forum shopping is not a new practice—parties have long sought possible advantages during litigation, including seeking to obtain a favorable decisionmaker to the extent possible.[152] The phrase *forum shopping* may carry a negative connotation, but some commentators defend forum shopping or downplay concerns around it, noting that it may be difficult to draw the line between generally accepted litigation strategy and practices warranting concern.[153]

In some cases, a plaintiff may attempt to select not only the court in which their claims proceed but also the specific judge who will hear the case, a practice sometimes called *judge shopping*.[154] The structure and composition of some federal judicial districts may facilitate judge shopping. A number of federal district courts are subdivided into geographic divisions, and some divisions have only one or two active judges, so a plaintiff who sues in one of those divisions has a high likelihood of being able to proceed before their judge of choice. In recent years, some observers have expressed concerns that litigants challenging government actions were filing suit in those divisions in an attempt to judge shop.[155]

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[150] Madison J. Scaggs, Note, *How Nationwide Injunctions Have Thwarted Recent Immigration Policy*, 105 IOWA L. REV. 1447, 1469–73 (2020). There are some statutory bars to injunctive relief in the Immigration and Nationality Act. *See* 8 U.S.C. § 1252(f).

[151] *See, e.g.*, *Forum-shopping*, *supra* note 20.

[152] *See, e.g.*, Josh Blackman, *Forum Shopping is Rational*, VOLOKH CONSPIRACY (Mar. 5, 2020, 6:59 PM), https://reason.com/volokh/2020/03/05/forum-shopping-in-rational/; Patrick Mullinger, *The Mall of Litigation: The Dangers and Benefits of Forum Shopping in American Jurisprudence*, U. CIN. L. REV. BLOG (Nov. 17, 2021), https://uclawreview.org/2021/11/17/the-mall-of-litigation-the-dangers-and-benefits-of-forum-shopping-in-american-jurisprudence. An analogous practice is jury selection, in which litigants routinely seek the most favorable possible panel. *See* CRS Report R47259, *Batson v. Kentucky and Federal Peremptory Challenge Law*, by Peter G. Berris (2022).

[153] *See, e.g.*, Mary Garvey Algero, *In Defense of Forum Shopping: A Realistic Look at Selecting a Venue*, 78 NEB. L. REV. 79 (1999); *Rule by District Judge*, *supra* note 3 (statement of Loren AliKhan, Solicitor General of the District of Columbia); *The Role and Impact of Nationwide Injunctions by District Courts: Hearing Before the H. Comm. on the Judiciary, Subcomm. on Courts, Intellectual Prop., & the Internet*, 115th Cong. 9 (2017) (statement of Amanda Frost, Prof. of Law, American University Washington College of Law).

[154] *See, e.g.*, Welk v. GMAC Mortg., LLC, 720 F.3d 736, 738 (8th Cir. 2013).

[155] *See, e.g.*, Steve Vladeck, *Texas Judge's Covid Mandate Ruling Exposes Federal 'Judge-shopping' Problem*, MSNBC (Jan. 11, 2022, 6:33 PM), https://www.msnbc.com/opinion/texas-judge-s-covid-mandate-ruling-exposes-federal-judge-shopping-n1287324; Emma Platoff, *By Gutting Obamacare, Judge Reed O'Connor Handed Texas a Win. It Wasn't the First Time.*, TEX. TRIBUNE (Dec. 19, 2018, 2:00 PM), https://www.texastribune.org/2018/12/19/reed-oconnor-federal-judge-texas-obamacare-forum-shopping-ken-paxton/.

Forum shopping is relatively common in certain types of cases, including patent litigation and suits against the federal government.[156] While forum shopping is not limited to nationwide injunction cases, the possibility that a court may enter a nationwide injunction raises the stakes in forum selection. If a court blocks a policy with respect to the plaintiff only, the government may still be able to implement the policy with respect to most people. On the other hand, if a court blocks a law or policy in its entirety, the government must litigate the case, often on an emergency basis, before it can effectively pursue its policy goals.

Nationwide injunctions and forum shopping have featured in recent public discussion of perceived politicization of the federal courts. Concerns about politicization relate to forum shopping because some observers contend that many recent cases challenging high-profile policies of a presidential Administration from one major political party proceeded before judges appointed by Presidents from another party.[157] Some of those cases were filed in districts or divisions that offered plaintiffs a high chance of assignment to certain judges. The perception that parties can pick a certain court or judge and potentially secure a more favorable case outcome may increase the perception of politicization of the judiciary. This notion undermines the portrayal of judges as independent, nonpartisan actors who apply the law neutrally.[158]

The data in this report appear to show a relationship between nationwide injunctions and forum shopping, though it is difficult to distinguish cause from effect. Under the first Trump Administration, district courts in California issued significantly more nationwide injunctions than did district courts in any other state. Under the Biden Administration, district courts in Texas issued a substantial plurality of nationwide injunctions.

The judiciary is traditionally viewed as the non-political branch of the federal government, and there are issues that come before the courts that cannot easily be mapped to partisan political divisions.[159] To the extent different judges approach cases differently, the jurisdiction in which a judge sits or the political party of the President who appointed the judge are not necessarily predictive of the judge's judicial philosophy, and CRS has not attempted to evaluate the ideology of judges who issued nationwide injunctions.[160] Moreover, as noted, many factors may influence where a suit proceeds, and the fact that certain courts issued a relatively large number of nationwide injunctions does not necessarily mean that those courts are more likely than others to issue nationwide injunctions in any particular case or that the courts are deciding cases on partisan grounds. Nonetheless, the geographic distribution of nationwide injunction cases may aggravate concerns about politicization of the courts.[161]

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[156] With respect to patent litigation, see, e.g., J. Jonas Anderson, *Online Symposium: Extreme Forum Shopping in Patent Law*, FEDCIRCUITBLOG (Feb. 14, 2022), https://fedcircuitblog.com/2022/02/14/online-symposium-extreme-forum-shopping-in-patent-law/. A 2017 Supreme Court decision imposed some limits on forum shopping in patent cases by narrowly construing the applicable venue statute. TC Heartland LLC v. Kraft Foods Grp., 581 U.S. 258 (2017).

[157] *See, e.g.*, *District Court Reform*, *supra* note 9, at 1705, 1707 (analyzing nationwide injunctions based on the political party of the President who appointed the issuing judge and concluding that nationwide injunctions are "overwhelmingly issued by judges appointed by a President from the opposite political party as the President who promulgated the policy at issue").

[158] *See, e.g.*, Cass, *supra* note 32, at 27.

[159] *See, e.g.*, THE FEDERALIST NO. 79 (Alexander Hamilton).

[160] *Cf. District Court Reform*, *supra* note 9, at 1705 (analyzing nationwide injunctions issued by the political party of the President who appointed the issuing judge).

[161] *See, e.g.*, *id.* at 1702–03 ("this Chapter notes the increasing risk of politicizing the nationwide injunction and delegitimizing the courts, as plaintiffs proceed to cherry-pick judges to increase the likelihood of political outcomes or policy goals. Ultimately, in light of this danger, this Chapter calls for reform to restructure the court system to (continued...)

Multiple recent proposals have sought to address forum shopping generally or to curb the practice in nationwide injunction cases specifically. In March 2024, the Judicial Conference of the United States announced new guidance for district court case assignments designed to "strengthen[ ] the policy governing random case assignment, limiting the ability of litigants to effectively choose judges in certain cases by where they file a lawsuit."[162] The guidance is not binding on district courts, and at least one district court that has featured prominently in discussion of forum shopping has declined to adopt it.[163] If Congress wished to make the Judicial Conference policy binding on federal district courts, change the scope of the policy to apply to a different class of cases, or impose a different rule for case assignments, it could do so via legislation.

Another option would be to cap the probability that plaintiffs filing in a certain division are assigned to any particular judge—for example, at one in two or one in three.[164] That change could be accomplished by restructuring existing judicial divisions to eliminate those with one or two active judges or by assigning some cases to judges in other divisions within a district. The courts or Congress could also tighten venue restrictions by requiring each case "to be connected to not just the district in which it is filed, but to the division in which it is filed, if the district is divided into divisions."[165] With respect to nationwide injunction cases specifically, some have proposed requiring all suits seeking nationwide injunctions to be brought in a particular forum, such as the federal courts in the District of Columbia.[166]

Substantive and Procedural Limits on Nationwide Injunctions

Some commentators and lawmakers who oppose nationwide injunctions or think such injunctions issue too frequently have advocated for legislation that would limit nationwide injunctions or regulate how courts analyze requests for non-party relief. Some of these proposals take the form of substantive requirements that would govern whether or when nationwide injunctions could issue. Others would impose special litigation procedures in cases involving nationwide injunctions.

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disincentivize forum shopping."); Steve Vladeck, *18. The Growing Abuse of Single-Judge Divisions*, ONE FIRST (Mar. 13, 2023), https://stevevladeck.substack.com/p/18-shopping-for-judges.

[162] Memorandum from the Comm. On Ct. Admin. and Case Mgmt. of the Jud. Conf. of the U.S. to Judges, U.S. Dist. Cts. (Mar. 15, 2024), https://reason.com/wp-content/uploads/2024/03/2024-03-15-Memo.pdf.

[163] *See* Letter from David C. Godbey, Chief Judge, U.S. Dist. Ct. for the N. Dist, of Tex. to Sen. Charles E. Schumer (Mar. 29, 2024), https://www.democrats.senate.gov/imo/media/doc/chief_judge_godbey_judge_shopping_letter.pdf.

[164] *See, e.g.*, End Judge Shopping Act of 2023, H.R. 3163, 118th Cong. (2023) ("A civil action which seeks an order enforceable in each district and division of the United States shall be brought only in a division of a judicial district which has two or more active judges assigned."). *See also* Vladeck, *supra* note 155.

[165] J. Jonas Anderson & Paul R. Gugliuzza, *Federal Judge Seeks Patent Cases*, 71 DUKE L.J. 419, 480 (2021).

[166] Stop Judge Shopping Act, S. 1265, 118th Cong. (2023) ("The United States District Court for the District of Columbia shall have original and exclusive jurisdiction over any civil action for declaratory or injunctive relief (including a nationwide injunction, stay, vacatur, or any other relief with similar nationwide force and effect) against the enforcement of any Federal law (including regulations and Executive orders) if the relief extends beyond the parties to the civil action."). *Cf.* Restoring Judicial Separation of Powers Act, H.R. 642, 118th Cong. (2023) ("Whenever any action before a court of the United States seeks injunctive relief restraining the enforcement of any Federal statute, regulation, or order against a nonparty, the court shall, upon a motion of a party to the action made not later than 30 days after an initial filing requesting such relief, transfer such action to the United States Court of Appeals for the District of Columbia Circuit."). *See also* Bradford Mank & Michael E. Solimine, *State Standing and National Injunctions*, 94 NOTRE DAME L. REV. 1955, 1978–80 (2019). Forum shopping concerns are not limited to nationwide injunction cases. *See, e.g.*, Stop Helping Outcome Preferences Act, S. 4095, 118th Cong. (2024) (seeking to penalize judge shopping, defined as "attempting to interfere with a court's case assignment process for the purpose of influencing the assignment of a particular judge to preside over a particular case," and to limit venue shopping in bankruptcy and patent cases).

Substantively, there is currently no statute or Supreme Court case that lays out a specific test for when a nationwide injunction should issue, though there is Supreme Court caselaw setting general standards for the issuance of injunctive relief.[167] Some commentators have called on the courts or Congress to impose specific requirements before a nationwide injunction can issue.[168] Several federal appeals courts have sought to impose limits on nationwide injunctions.[169] Some legislative proposals have sought to ban nationwide injunctions at the district court level[170] or in all federal courts.[171] Some legislators and commentators have advocated for limiting the scope of injunctive relief to a single judicial circuit or a single state.[172]

Procedurally, commentators have raised concerns that nationwide injunctions may undermine the courts' ability to issue carefully considered decisions because they lead to fast-tracked emergency litigation on issues of major national importance.[173] Some contend that nationwide injunctions discourage percolation—the process by which multiple federal courts may consider the same legal issue and potentially reach different conclusions.[174] Some also raise the prospect of conflicting injunctions, where different courts impose incompatible requirements on the government, though others note that this is rare in practice.[175]

Commentators and lawmakers have proposed a number of reforms designed to regulate, and usually to limit, nationwide injunctions. In addition to the proposals related to forum selection discussed above,[176] one proposal would send any request for a nationwide injunction to a three-judge district court rather than the usual single district judge.[177] One would require specialized hearings on requests for nationwide injunctions.[178] Another would provide for direct Supreme Court review of any nationwide injunction.[179]

Lawmakers considering the foregoing proposals might look to the nationwide injunctions identified in this report to consider how proposed legislation might have applied to past cases. If

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[167] *See* Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); Nken v. Holder, 556 U.S. 418, 434 (2009); Califano v. Yamasaki, 442 U.S. 682, 702 (1979).

[168] *See, e.g.*, Alan M. Trammell, *Demystifying Nationwide Injunctions*, 98 TEX. L. REV. 67, 103–04, 108 (2019); Zayn Siddique, *Nationwide Injunctions*, 117 COLUM. L. REV. 2095, 2141–42 (2017).

[169] *See District Court Reform*, *supra* note 9, at 1719 n.127–132.

[170] Nationwide Injunction Abuse Prevention Act of 2019, H.R. 4292, 116th Cong. (2019). *See also* Sam Heavenrich, *An Appellate Solution to Nationwide Injunctions*, 96 IND. L.J. SUPP. 1, 3 (2020).

[171] Injunctive Authority Clarification Act of 2021, H.R. 43, 117th Cong. (2021).

[172] *See, e.g.*, Stop Helping Outcome Preferences Act, S. 4095, 118th Cong. (2024); Getzel Berger, Note, *Nationwide Injunctions Against the Federal Government: A Structural Approach*, 92 N.Y.U. L. REV. 1068, 1100 (2017); Joseph D. Kmak, Comment, *Abusing the Judicial Power: A Geographic Approach to Address Nationwide Injunctions and State Standing*, 70 EMORY L.J. 1325, 1363 (2021).

[173] *See, e.g.*, Bray, *supra* note 3, at 461–62; Frost, *supra* note 4, at 1108. For discussion of emergency litigation at the Supreme Court, see "Motions Practice: The 'Shadow Docket,'" *in* CRS Report R47382, *Congressional Control over the Supreme Court*, by Joanna R. Lampe (2023).

[174] *See, e.g.*, Williams, *supra* note 33, at 318; Frost, *supra* note 4, at 1108.

[175] *E.g.*, Morley, *supra* note 30, at 504–05. *Cf.* DHS v. New York, 140 S. Ct. 599, 600 (2020) (Gorsuch, J., concurring) ("[T]he routine issuance of universal injunctions is patently unworkable, sowing chaos for litigants, the government, courts, and all those affected by these conflicting decisions."). *But see* Bert I. Huang, *Coordinating Injunctions*, 98 TEX. L. REV. 1331, 1332 n.11 (2020).

[176] *See supra* "Nationwide Injunctions and Forum Shopping."

[177] Gregg Costa, *An Old Solution to the Nationwide Injunction Problem*, HARV. L. REV. BLOG (Jan. 25, 2018), https://harvardlawreview.org/blog/2018/01/an-old-solution-to-the-nationwide-injunction-problem/.

[178] Milan D. Smith, Jr., *Only Where Justified: Toward Limits and Explanatory Requirements for Nationwide Injunctions*, 95 NOTRE DAME L. REV. 2013, 2036 (2020).

[179] Court Shopping Deterrence Act, H.R. 893, 117th Cong. (2021).

such legislation were enacted in the future, the data in this report and other sources could also provide a benchmark to help determine whether the legislation changed the frequency, geographic distribution, procedural posture, or outcome on appeal of nationwide injunction cases.

One specific concern that some commentators have raised with respect to nationwide injunctions is that they can lead to uncertainty or disruption if challenged government policies stop and start at different levels of judicial review—for example, if a district court enjoins a policy, then an appeals court lifts the injunction, then the Supreme Court reimposes it.[180] Much of the possible instability in this area comes from emergency litigation around stays of court decisions pending appellate review, which are not included in this report's analysis. While stays may cause instability as some commentators posit, they can also serve to limit disruption. For instance, a court may enter an injunction but stay its own order in whole or in part pending appeal, leaving some or all of the challenged government policy in effect continuously during the litigation despite the injunction.[181] This use of stays has led one commentator to argue for a presumption in favor of staying the effectiveness of a nationwide injunction or vacatur pending any appeal.[182] Additional review would be required to determine the extent to which nationwide injunction litigation causes the government to halt and restart policies while litigation is pending.

Nationwide Injunctions and APA Litigation

Another area that has generated significant legal commentary in recent years is the role of nationwide injunctions in litigation under the APA.[183] The APA establishes the procedures that federal agencies use for rulemakings and adjudications and sets out procedures for how courts may review those agency actions.[184] One provision of the APA (5 U.S.C. § 705) authorizes a court reviewing agency action, "[o]n such conditions as may be required and to the extent necessary to prevent irreparable injury," to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings."[185] Another provision (5 U.S.C. § 706) authorizes a court reviewing agency action to "hold unlawful and set aside agency action, findings, and conclusions" if, among other things, it finds them to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."[186]

Courts considering challenges to agency actions often rely on § 706 to vacate and set aside agency actions found to be unlawful.[187] While courts routinely invoke this authority to vacate challenged policies in their entirety,[188] some legal commentators debate whether § 706 is properly interpreted to authorize this type of universal vacatur of agency action or whether, when possible,

[180] *See, e.g.*, *Rule by District Judge*, *supra* note 3, at 7 (statement of Prof. Nicholas Bagley).

[181] *See, e.g.*, City & Cnty. of San Francisco v. Sessions, 372 F. Supp. 3d 928, 954 (N.D. Cal. 2019).

[182] Ronald M. Levin, *Vacatur, Nationwide Injunctions, and the Evolving APA*, 98 NOTRE DAME L. REV. 1997, 2027 (2023).

[183] 5 U.S.C. §§ 500–504.

[184] *See* CRS Legal Sidebar LSB10558, *Judicial Review Under the Administrative Procedure Act (APA)*, by Jonathan M. Gaffney (2024).

[185] 5 U.S.C. § 705.

[186] *Id.* § 706.

[187] *See* John Harrison, *Vactur of Rules Under the Administrative Procedure Act*, 40 YALE J. REG. BULL. 119, 121–23 (2023).

[188] *See, e.g.*, Harmon v. Thornburgh, 878 F.2d 484, 495 n.21 (D.C. Cir. 1989) ("When a reviewing court determines that agency regulations are unlawful, the ordinary result is that the rules are vacated—not that their application to the individual petitioners is proscribed."). *See also* Levin, *supra* note 182, at 1999–2000.

relief should be tailored to the parties.[189] There is further debate among courts and commentators over what remedies are appropriate to preserve the status quo while an APA case remains pending. Some courts and commentators reason that nationwide injunctions are appropriate in APA cases because § 706 provides for vacatur of agency action in its entirety, not only as to parties who challenge the action.[190] Some read § 705 to authorize courts to stay agency action pending judicial review.[191] Such a stay, essentially a temporary analog to vacatur under § 706, is sometimes viewed as a less extreme remedy than injunctive relief because a stay pauses the policy itself while an injunction directly requires the government to take or not take some action.[192] Some courts have applied that reasoning and entered stays rather than TROs or PIs in APA cases.[193] On the other hand, courts sometimes stay agency actions pending judicial review and also enter TROs or PIs.[194]

When a court stays agency action pending review under § 705 but does not also grant injunctive relief, such a ruling falls outside the definition of *nationwide injunction* used by this report.[195] However, a stay has the same practical effect as a nationwide injunction: It renders the challenged policy entirely unenforceable.[196] Some commentators have posited that courts may grant stays rather than injunctions in order to avoid controversy around nationwide injunctions.[197] Others have raised concerns that reforms targeting nationwide injunctions but not stays of agency action may not fully address policy issues related to nationwide injunctions.[198]

Because this report did not attempt to identify all cases in which agency action was stayed under § 705 of the APA, additional research may be warranted on such cases to better understand the scope of the issue. In the meantime, lawmakers considering reforms related to nationwide injunctions may consider whether and how such reforms would also apply to stays under § 705. Congress could also consider targeted amendments to the APA.

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[189] *Compare, e.g.*, Aditya Bamzai, *The Path of Administrative Law Remedies*, 98 NOTRE DAME L. REV. 2037 (2023) *with* Mila Sohoni, *The Past and Future of Universal Vacatur*, 133 YALE L.J. 2304 (2024).

[190] *E.g.*, Mila Sohoni, *The Power to Vacate a Rule*, 88 GEO. WASH. L. REV. 1121, 1123 (2020); Christopher J. Walker, *Quick Reaction to Bray's Argument that the APA Does Not Support Nationwide Injunctions*, YALE J. REG., NOTICE & COMMENT (May 8, 2018), https://www.yalejreg.com/nc/quick-reaction-to-brays-argument-that-the-apa-does-not-support-nationwide-injunctions/.

[191] *See, e.g.*, All. for Hippocratic Med. v. FDA, 668 F. Supp. 3d 507, 559–60 (N.D. Tex. 2023).

[192] *See, e.g.*, *id.* at 560. *See also* Texas v. United States, 40 F.4th 205, 219 (5th Cir. 2022); Harrison, *supra* note 187, at 119–20.

[193] *See, e.g.*, All. for Hippocratic Med., 668 F. Supp. 3d at 559–60.

[194] *See, e.g.*, Rural & Migrant Ministry v. EPA, 510 F. Supp. 3d 138 (S.D.N.Y. 2020) (granting a "stay and restraining order").

[195] *See supra* "Defining Nationwide Injunctions."

[196] *See, e.g.*, Levin, *supra* note 182, at 1999.

[197] *See District Court Reform*, *supra* note 9, at 1706–07 (stating that the decrease in nationwide injunctions under the Biden Administration as compared to the first Trump Administration may reflect "judicial responsiveness to growing criticism of the nationwide injunction, or the replacement of some injunctions with the 'lesser remedy' of vacatur") (footnotes omitted).

[198] *See, e.g.*, *id.* at 1720–21. *Cf.* Frank Chang, *The Administrative Procedure Act's Stay Provision: Bypassing Scylla and Charybdis of Preliminary Injunctions*, 85 GEO. WASH. L. REV. 1529, 1551 (2017) (stating that the use of vacatur instead of injunctive relief does not resolve some of the policy concerns related to nationwide injunctions).

Appendix. Tables of Nationwide Injunctions

The following tables contain lists of nationwide injunctions issued during the first Trump Administration and the Biden Administration. CRS identified these cases using the methodology outlined above.[199] CRS has listed nationwide injunctions by case, meaning that some table entries include multiple court orders and some government actions appear in the table more than once if they were challenged in multiple cases.[200] The Caption column in each table contains a citation to the first nationwide injunction that CRS identified in each case. Cases are listed in chronological order based on the date of issuance of the first decision cited. Any additional nationwide injunctions that issued in each case are included in the Notes column. The Notes column also briefly identifies the government action subject to each nationwide injunction. In some cases, only a part of a regulation, executive order, or other federal policy was enjoined, but in each case enforcement of the enjoined portion of the challenged action was barred as to all relevant persons or entities.

Table A-1. Nationwide Injunctions Under the First Trump Administration

	Caption	Topic	Notes
1	Dialysis Patient Citizens v. Burwell, No. 4:17-CV-16, 2017 WL 365271 (E.D. Tex. Jan. 25, 2017)[201]	Health Care	PI against regulation of Medicare-certified dialysis facilities
2	Darweesh v. Trump, No. 17 Civ. 480, 2017 WL 388504 (E.D.N.Y. Jan. 28, 2017)	Immigration	PI barring removal of individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States following the issuance of Exec. Order No. 13,769, Protecting the Nation from Foreign Terrorist Entry into the United States
3	Washington v. Trump, No. C17-0141JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017)	Immigration	TRO against Exec. Order No. 13,769, Protecting the Nation from Foreign Terrorist Entry into the United States
4	Int'l Refugee Assistance Project v. Trump, 241 F. Supp. 3d 539 (D. Md. 2017), *aff'd in part, vacated in part*, 857 F.3d 554 (4th Cir. 2017), *as amended* (May 31, 2017), *as amended* (June 15, 2017), *vacated as moot*, 583 U.S. 912 (2017) (Mem)	Immigration	PI against Exec. Order No. 13,780, Protecting the Nation from Foreign Terrorist Entry into the United States; PI against Presidential Proclamation No. 9645, Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats entered 265 F. Supp. 3d 570 (D. Md. 2017), *aff'd*, 883 F.3d 233 (4th Cir. 2018), *as amended* (Feb. 28, 2018), *cert. granted, vacated,* 585 U.S. 1028 (2018)

[199] *See supra* "Identifying Nationwide Injunctions: Methodology."

[200] *See supra* "Counting Nationwide Injunctions."

[201] A TRO in this case was issued before the beginning of the first Trump Administration. Order Granting Emergency Motion for Temporary Restraining Order, No. 4:17-CV-16 (E.D. Tex. Jan. 12, 2017).

	Caption	Topic	Notes
5	Hawai'i v. Trump, 241 F. Supp. 3d 1119 (D. Haw. 2017)	Immigration	TRO against Exec. Order No. 13,780, Protecting the Nation from Foreign Terrorist Entry into the United States; PI entered, Hawai'i v. Trump, 245 F. Supp. 3d 1227 (D. Haw. 2017), *aff'd in part, vacated in part, remanded*, 859 F.3d 741 (9th Cir. 2017), *vacated as moot*, 583 U.S. 941 (2017)
6	Cnty. of Santa Clara v. Trump, 250 F. Supp. 3d 497 (N.D. Cal. 2017)	Federal Funding (Immigration)	PI against Exec. Order No. 13,768, Enhancing Public Safety in the Interior of the United States; permanent injunction entered, Cnty. of Santa Clara v. Trump, 275 F. Supp. 3d 1196 (N.D. Cal 2017), *aff'd in part, vacated in part, remanded sub nom*. City and Cnty. of San Francisco v. Trump, 897 F.3d 1225 (9th Cir. 2018)
7	Hamama v. Adducci, 261 F. Supp. 3d 820 (E.D. Mich. 2017), *vacated and remanded*, 912 F.3d 869 (6th Cir. 2018)	Immigration	PI against removal of Iraqi nationals with outstanding removal orders as of June 24, 2017
8	Nw. Immigrant Rts. Project v. Sessions, No. C17-716 RAJ, 2017 WL 3189032 (W.D. Wash. July 27, 2017)	Immigration	PI against Executive Office of Immigration Review (EOIR) rules regulating the professional conduct of attorneys who appear in immigration proceedings
9	City of Chicago v. Sessions, 264 F. Supp. 3d 933 (N.D. Ill. 2017), *aff'd*, 888 F.3d 272 (7th Cir. 2018), *reh'g en banc granted in part, vacated in part*, No. 17-2991, 2018 WL 4268817 (7th Cir. June 4, 2018), *vacated*, No. 17-2991, 2018 WL 4268814 (7th Cir. Aug. 10, 2018)	Federal Funding (Immigration)	PI against enforcement of funding limitations against "sanctuary" jurisdictions that do not provide certain information to immigration authorities regarding aliens in those jurisdictions' custody; permanent injunction entered, City of Chicago v. Sessions, 321 F. Supp. 3d 855 (N.D. Ill. 2018), *aff'd and remanded sub nom*. City of Chicago v. Barr, 957 F.3d 772 (7th Cir. 2020), *opinion amended and superseded*, 961 F.3d 882 (7th Cir. 2020), *and aff'd*, 961 F.3d 882 (7th Cir. 2020)
10	Hawai'i v. Trump, 265 F. Supp. 3d 1140 (D. Haw. 2017), *aff'd in part, vacated in part,* 878 F.3d 662 (9th Cir. 2017), *rev'd*, 585 U.S. 667 (2018)	Immigration	TRO against Presidential Proclamation No. 9645, Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats; PI entered, Order Granting Motion for Preliminary Injunction, Hawai'i v. Trump, 265 F. Supp. 3d 1140 (D. Haw. 2017) (No. 1:17-CV-00050)

	Caption	Topic	Notes
11	Doe 1 v. Trump, 275 F. Supp. 3d 167 (D.D.C. 2017), *vacated sub nom.* Doe 2 v. Shanahan, 755 F. App'x 19 (D.C. Cir. 2019) (unpublished)	Military	PI against Memorandum from Donald Trump for the Secretary of Defense and the Secretary of Homeland Security on Military Service by Transgender Individuals (Aug. 25, 2017)
12	Stone v. Trump, 280 F. Supp. 3d 747 (D. Md. 2017)	Military	PI against Memorandum from Donald Trump for the Secretary of Defense and the Secretary of Homeland Security on Military Service by Transgender Individuals (Aug. 25, 2017)
13	Karnoski v. Trump, No. C17-1297-MJP, 2017 WL 6311305 (W.D. Wash. Dec. 11, 2017)	Military	PI against Memorandum from Donald Trump for the Secretary of Defense and the Secretary of Homeland Security on Military Service by Transgender Individuals (Aug. 25, 2017)
14	Pennsylvania v. Trump, 281 F. Supp. 3d 553 (E.D. Pa. 2017), *aff'd sub nom.* Pennsylvania v. President United States, 930 F.3d 543 (3d Cir. 2019), *as amended* (July 18, 2019), *rev'd and remanded sub nom.* Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania, 591 U.S. 657 (2020), *and rev'd sub nom.* Pennsylvania v. President United States, 816 F. App'x 632 (3d Cir. 2020) (unpublished)	Health Care	PI against Moral Exemption Rule and Religious Exemption Rule, two interim final rules exempting certain entities from the Affordable Care Act's mandate to employers to provide contraceptive coverage; PI against final rules entered Pennsylvania v. Trump, 351 F. Supp. 3d 791 (E.D. Pa. 2019), *aff'd sub nom.* Pennsylvania v. President United States, 930 F.3d 543 (3d Cir. 2019), *as amended* (July 18, 2019), *rev'd and remanded sub nom.* Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania, 591 U.S. 657 (2020)
15	California v. Health & Hum. Servs., 281 F. Supp. 3d 806 (N.D. Cal. 2017), *aff'd in part, vacated in part, remanded sub nom.* California v. Azar, 911 F.3d 558 (9th Cir. 2018), *and vacated sub nom.* March for Life Educ. & Def. Fund v. California, 141 S. Ct. 192 (2020)	Health Care	PI against Moral Exemption Rule and Religious Exemption Rule, two interim final rules exempting certain entities from the Affordable Care Act's mandate to employers to provide contraceptive coverage
16	Stockman v. Trump, No. EDCV 17–1799 JGB, 2017 WL 9732572 (C.D. Cal. Dec. 22, 2017)	Military	PI against Memorandum from Donald Trump for the Secretary of Defense and the Secretary of Homeland Security on Military Service by Transgender Individuals (Aug. 25, 2017)
17	Doe v. Trump, 288 F. Supp. 3d 1045 (W.D. Wash. 2017)	Immigration	PI against agency memorandum accompanying Exec. Order No. 13,815, Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities

	Caption	Topic	Notes
18	Regents of Univ. of California v. DHS, 279 F. Supp. 3d 1011 (N.D. Cal. 2018), *aff'd*, 908 F.3d 476 (9th Cir. 2018), *rev'd in part, vacated*, 591 U.S. 1 (2020)	Immigration	PI against termination of Deferred Action for Childhood Arrivals (DACA) for existing enrollees
19	Batalla Vidal v. Nielsen, 279 F. Supp. 3d 401 (E.D.N.Y. 2018), *vacated and remanded sub nom.* DHS v. Regents of the Univ. of California, 591 U.S. 1 (2020)	Immigration	PI against termination of DACA
20	Casa de Maryland v. DHS, 284 F. Supp. 3d 758 (D. Md. 2018), *aff'd in part, rev'd in part, vacated in part* 924 F.3d 684 (4th Cir. 2019)	Immigration	Permanent injunction barring use of information provided by DACA participants for immigration enforcement purposes
21	City of Los Angeles v. Sessions, 293 F. Supp. 3d 1087 (C.D. Cal. 2018), *rev'd sub nom.* City of Los Angeles v. Barr, 929 F.3d 1163 (9th Cir. 2019)	Federal Funding (Immigration)	Permanent injunction against Community Oriented Policing Services Grant program rule under which applicants received bonus points if they certified certain cooperation with federal immigration authorities; subsequent PI against FY2017 Byrne Justice Assistance Grant (JAG) program requirements under which applicants would be ineligible for funds if they failed to assist in certain immigration enforcement entered City of Los Angeles v. Sessions, No. CV 17-7215-R, 2018 WL 6071072 (C.D. Cal. Sept. 13, 2018), *aff'd sub nom.* City of Los Angeles v. Barr, 941 F.3d 931 (9th Cir. 2019)
22	State of Washington v. Dep't of State, 315 F. Supp. 3d 1202 (W.D. Wash. 2018)	Firearms	TRO against proposed rulemaking and final rule revising the United States Munitions List to allow the distribution of computer-aided design files for the automated production of 3D-printed weapons; PI entered Washington v. Dep't of State, 318 F. Supp. 3d 1247 (W.D. Wash. 2018)
23	Free Speech Coal., Inc. v. Sessions, 322 F. Supp. 3d 605 (E.D. Pa. 2018), *aff'd in part, vacated in part, rev'd in part sub nom.* Free Speech Coal., Inc. v. Att'y Gen. United States, 974 F.3d 408 (3d Cir. 2020)	First Amendment	Permanent injunction against requirements of the Child Protection and Obscenity Enforcement Act and implementing regulations related to verification of ages of people involved in production of sexually explicit materials
24	City of Evanston v. Sessions, No. 18 C 4853, 2018 WL 10228461 (N.D. Ill. Aug. 9, 2018)	Federal Funding (Immigration)	PI against Byrne JAG program requirements under which applicants would be ineligible for funds if they failed to satisfy certain conditions related to immigration enforcement

	Caption	Topic	Notes
25	S.C. Coastal Conservation League v. Pruitt, 318 F. Supp. 3d 959 (D.S.C. 2018)	Environmental Law	Permanent injunction against rule suspending 2015 Clean Water Rule defining "waters of the United States"
26	Am. Fed'n of Gov't Emps., AFL-CIO v. Trump, 318 F. Supp. 3d 370 (D.D.C. 2019), *rev'd and vacated*, 929 F.3d 748 (D.C. Cir. 2019)	Labor and Employment	Permanent injunction against executive orders regarding collective bargaining for federal employees
27	Ramos v. Nielsen, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), *vacated and remanded sub nom.* Ramos v. Wolf, 975 F.3d 872 (9th Cir. 2020), *reh'g en banc granted, opinion vacated*, 59 F.4th 1010 (9th Cir. 2023)	Immigration	PI against termination of the Temporary Protected Status designations for Haiti, Sudan, Nicaragua, and El Salvador
28	City & Cnty. of San Francisco v. Sessions, 349 F. Supp. 3d 924 (N.D. Cal. 2018), *judgment entered sub nom.* California *ex rel.* Becerra v. Sessions, No. 3:17-CV-04701-WHO, 2018 WL 6069940 (N.D. Cal. Nov. 20, 2018), *aff'd in part, vacated in part sub nom*. City & Cnty. of San Francisco v. Barr, 965 F.3d 753 (9th Cir. 2020)	Federal Funding (Immigration)	Permanent injunction against 2017 Byrne JAG program requirements under which applicants would be ineligible for funds if they failed to satisfy certain conditions related to immigration enforcement
29	E. Bay Sanctuary Covenant v. Trump, 349 F. Supp. 3d 838 (N.D. Cal. 2018), *aff'd,* 950 F.3d 1242 (9th Cir. 2020), *and aff'd sub nom.* E. Bay Sanctuary Covenant v. Biden, 993 F.3d 640 (9th Cir. 2021) (en banc)	Immigration	TRO against presidential proclamation and DOJ and DHS rule allowing asylum to be granted only to those who enter the United States at a designated port of entry; PI granted E. Bay Sanctuary Covenant v. Trump, 354 F. Supp. 3d 1094 (N.D. Cal. 2018), *aff'd,* 950 F.3d 1242 (9th Cir. 2020), *and aff'd sub nom.* E. Bay Sanctuary Covenant v. Biden, 993 F.3d 640 (9th Cir. 2021)
30	Grace v. Whitaker, 344 F. Supp. 3d 96 (D.D.C. 2018), *aff'd in part, rev'd in part and remanded sub nom.* Grace v. Barr, 965 F.3d 883 (D.C. Cir. 2020)	Immigration	Permanent injunction against AG precedential decision and DOJ policy memorandum that determined that claims based on domestic or gang violence could not establish credible fear in expedited removal proceedings
31	New York v. Dep't of Com., 351 F. Supp. 3d 502 (S.D.N.Y. 2019), *aff'd in part, rev'd in part*, 588 U.S. 752 (2019)	Census	Permanent injunction against inclusion of a question about citizenship on the 2020 census questionnaire

	Caption	Topic	Notes
32	City of Los Angeles v. Sessions, No. CV 18-7347-R, 2019 WL 1957966 (C.D. Cal. Feb. 15, 2019)	Federal Funding (Immigration)	Permanent injunction against FY2018 Byrne JAG program and Gang Suppression Grant Program requirements under which applicants would be ineligible for funds if they failed to satisfy certain conditions related to immigration enforcement; additional permanent injunction entered City of Los Angeles v. Barr, No. 2:18-CV-07347-JLS-JC, 2020 WL 11272648 (C.D. Cal. June 17, 2020)
33	Roe v. Shanahan, 359 F. Supp. 3d 382 (E.D. Va. 2019), *aff'd sub nom.* Roe v. Dep't of Def., 947 F.3d 207 (4th Cir. 2020), *as amended,* (Jan. 14, 2020)	Military	PI against discharge of HIV-positive active-duty servicemembers from the military
34	S.A. v. Trump, No. 18-CV-03539-LB, 2019 WL 990680 (N.D. Cal. Mar. 1, 2019)[202]	Immigration	PI against DHS mass-rescission of conditional approvals of certain parolees under the Central American Minors program
35	City & Cnty. of San Francisco v. Sessions, 372 F. Supp. 3d 928 (N.D. Cal. 2019), *aff'd in part, vacated in part, remanded sub nom.* City & Cnty. of San Francisco v. Garland, 42 F.4th 1078 (9th Cir. 2022)	Federal Funding (Immigration)	Permanent injunction against FY2018 Byrne JAG program requirements under which applicants would be ineligible for funds if they failed to satisfy certain conditions related to immigration enforcement
36	California v. Ross, 358 F. Supp. 3d 965 (N.D. Cal.), *vacated*, 139 S. Ct. 2778 (2019) (Mem)	Census	Permanent injunction against inclusion of a question about citizenship on the 2020 census questionnaire
37	Kravitz v. Dep't of Com., 366 F. Supp. 3d 681 (D. Md. 2019), *remanded sub nom*. La Union Del Pueblo Entero v. Ross, 771 Fed. App'x 323 (4th Cir. 2019) (Mem) (unpublished)	Census	Permanent injunction against inclusion of a question about citizenship on the 2020 census questionnaire
38	Innovation L. Lab v. Nielsen, 366 F. Supp. 3d 1110 (N.D. Cal. 2019), *aff'd sub nom.* Innovation L. Lab v. Wolf, 951 F.3d 1073 (9th Cir. 2020), *vacated and remanded sub nom.* Mayorkas v. Innovation L. Lab, 141 S. Ct. 2842 (2021), *and vacated as moot and remanded sub nom.* Innovation L. Lab v. Mayorkas, 5 F.4th 1099 (9th Cir. 2021),	Immigration	PI against requirements under the Migrant Protection Protocols that compelled non-Mexican asylum seekers to remain in Mexico for the duration of their immigration proceedings
39	Saget v. Trump, 375 F. Supp. 3d 280 (E.D.N.Y. 2019)	Immigration	PI against termination of the Temporary Protected Status designation for Haiti

[202] The district court later entered a stipulated permanent injunction barring enforcement of the policy against all affected persons. *See* Order Granting Stipulated Final Judgment and Order for Permanent Injunction, S.A. v. Trump, No. 18-CV-03539-LB, (N.D. Cal. May 17, 2019).

	Caption	Topic	Notes
40	Washington v. Azar, 376 F. Supp. 3d 1119 (E.D. Wash. 2019), *vacated and remanded sub nom.* California by & through Becerra v. Azar, 950 F.3d 1067 (9th Cir. 2020) (en banc)	Health Care	PI against HHS final rule revising regulations governing Title X family planning programs
41	Oregon v. Azar, 389 F. Supp. 3d 898 (D. Or. 2019), *vacated and remanded sub nom.* California by & through Becerra v. Azar, 950 F.3d 1067 (9th Cir. 2020) (en banc)	Health Care	PI against HHS final rule revising regulations governing Title X family planning programs
42	Guilford Coll. v. McAleenan, 389 F. Supp. 3d 377 (M.D.N.C. 2019)	Immigration	PI against USCIS policy memorandum regarding calculation of unlawful presence for certain nonimmigrant visa holders under the Immigration and Nationality Act; permanent injunction entered Guilford Coll. v. Wolf, No. 1:18CV891, 2020 WL 586672 (M.D.N.C. Feb. 6, 2020)
43	Sierra Club v. Trump, 379 F. Supp. 3d 883 (N.D. Cal. 2019), *aff'd,* 963 F.3d 874 (9th Cir. 2020), *vacated and remanded sub nom.* Biden v. Sierra Club, 142 S. Ct. 46 (2021)	Federal Funding (Immigration)	PI against using redirected federal funds for construction of a physical barrier on the U.S.-Mexico border
44	E. Bay Sanctuary Covenant v. Barr, 385 F. Supp. 3d 922 (N.D. Cal. 2019), *order reinstated*, 391 F. Supp. 3d 974 (N.D. Cal. 2019), *aff'd*, 964 F.3d 832 (9th Cir. 2020), *and aff'd sub nom*. E. Bay Sanctuary Covenant v. Garland, 994 F.3d 962 (9th Cir. 2020)	Immigration	PI against DOJ and DHS interim final rule that denied asylum to most people entering the United States at the southern border who did not first apply for asylum in Mexico or in another third country that they traveled through
45	J.O.P. v. DHS, 409 F. Supp. 3d 367 (D. Md. 2019)	Immigration	TRO barring enforcement a USCIS memorandum instituting a policy change as to who may determine that an individual is an unaccompanied alien child under the INA and when that determination must be made; PI entered Order Granting Motion for Preliminary Injunction, No. 19-cv-0194420 (D. Md. Oct. 15, 2019)
46	City of Chicago v. Barr, 405 F. Supp. 3d 748 (N.D. Ill. 2019), *aff'd and remanded*, 957 F.3d 772 (7th Cir. 2020), *opinion amended and superseded*, 961 F.3d 882 (7th Cir. 2020), *and aff'd and remanded*, 961 F.3d 882 (7th Cir. 2020), *and opinion withdrawn in part*, 513 F. Supp. 3d 828 (N.D. Ill. 2021)	Federal Funding (Immigration)	Permanent injunction against Byrne JAG program requirements under which applicants would be ineligible for funds if they failed to satisfy certain conditions related to immigration enforcement

	Caption	Topic	Notes
47	Make the Rd. New York v. McAleenan, 405 F. Supp. 3d 1 (D.D.C. 2019), *rev'd and remanded sub nom*. Make the Rd. New York v. Wolf, 962 F.3d 612 (D.C. Cir. 2020)	Immigration	PI against DHS announcement that it was designating certain aliens, who had been in United States for up to two years and who were located anywhere within the interior of the United States, as eligible for expedited removal
48	Cloud Peak Energy Inc. v. Dep't of the Interior, 415 F. Supp. 3d 1034 (D. Wyo. 2019)	Energy	PI against DOI valuation rule for calculating royalties on oil, gas, and coal produced from federal lands and offshore leases, and coal produced from Indian lands
49	Washington v. DHS, 408 F. Supp. 3d 1191 (E.D. Wash. 2019), *aff'd in part, vacated in part sub nom.* City & Cnty. of San Francisco v. U.S. Citizenship & Immigr. Servs., 981 F.3d 742 (9th Cir. 2020)	Immigration	PI against DHS final rule redefining whether a visa applicant and any applicant for legal permanent residency is considered inadmissible because DHS finds him or her "likely at any time to become a public charge"
50	New York v. DHS, 408 F. Supp. 3d 334 (S.D.N.Y. 2019), *aff'd as modified*, 969 F.3d 42 (2d Cir. 2020)	Immigration	PI against DHS final rule redefining whether a visa applicant and any applicant for legal permanent residency is considered inadmissible because DHS finds him or her "likely at any time to become a public charge"; additional PI entered, 475 F. Supp. 3d 208 (S.D.N.Y. 2020)
51	Make the Rd. New York v. Cuccinelli, 419 F. Supp. 3d 647 (S.D.N.Y. 2019), *aff'd as modified sub nom.* New York v. DHS, 969 F.3d 42 (2d Cir. 2020)	Immigration	PI against DHS final rule redefining whether a visa applicant and any applicant for legal permanent residency is considered inadmissible because DHS finds him or her "likely at any time to become a public charge"
52	Casa De Maryland, Inc. v. Trump, 414 F. Supp. 3d 760 (D. Md. 2019), *rev'd*, 971 F.3d 220 (4th Cir. 2020)	Immigration	PI against DHS final rule redefining whether a visa applicant and any applicant for legal permanent residency is considered inadmissible because DHS finds him or her "likely at any time to become a public charge"

	Caption	Topic	Notes
53	Doe #1 v. Trump, 414 F. Supp. 3d 1307 (D. Or. 2019)	Immigration	TRO against Presidential Proclamation No. 9945, Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System, in Order To Protect the Availability of Healthcare Benefits for Americans, suspending entry of immigrants that could not demonstrate they would be covered by approved health insurance in the United States or had the means to pay for reasonably foreseeable medical expenses within thirty days of entry, PI entered in Doe v. Trump, 418 F. Supp. 3d 573 (D. Or. 2019), *rev'd and vacated sub nom.* Doe #1 v. Trump, 984 F.3d 848 (9th Cir. 2020), *vacated on denial of reh'g en banc sub nom*. Doe #1 v. Biden, 2 F.4th 1284 (9th Cir. 2021)
54	El Paso Cnty. v. Trump, 407 F. Supp. 3d 655 (W.D. Tex. 2019), *aff'd in part, vacated in part, rev'd in part*, 982 F.3d 332 (5th Cir. 2020)	Federal Funding (Immigration)	Permanent injunction against redirection of federal funds for construction of a barrier on the U.S.-Mexico border
55	City of Seattle v. DHS, No. 19-cv-7151 (N.D. Cal. Dec. 11, 2019)	Immigration	PI against enforcement of changes to the process and criteria for requesting fee waivers from USCIS for the costs of immigration benefit applications and petitions
56	Smith v. U.S. Immigr. & Customs Enf't, 429 F. Supp. 3d 742 (D. Colo. 2019)	FOIA	Permanent injunction barring Immigration and Customs Enforcement from withholding certain records from FOIA responses
57	HIAS, Inc. v. Trump, 415 F. Supp. 3d 669 (D. Md. 2020), *aff'd*, 985 F.3d 309 (4th Cir. 2021)	Immigration	PI against Exec. Order No. 13,888, Enhancing State and Local Involvement in Refugee Resettlement and State Department notice of funding, giving individual U.S. states and local governments the power to refuse to consent to the resettlement in their respective jurisdictions of certain refugees
58	Washington v. Dep't of State, 443 F. Supp. 3d 1245 (W.D. Wash. 2020), *vacated*, 996 F.3d 552 (9th Cir. 2021)	Firearms	PI against 2020 final rule revising the United States Munitions List to allow the distribution of computer-aided design files for the automated production of 3D-printed weapons
59	District of Columbia v. Dep't of Agric., 444 F. Supp. 3d 1 (D.D.C. 2020)	Federal Aid	PI against USDA final rule limiting of work requirements for receipt of food assistance from the Supplemental Nutrition Assistance Program

	Caption	Topic	Notes
60	N. Plains Res. Council v. U.S. Army Corps of Eng'rs, 454 F. Supp. 3d 985 (D. Mont. 2020), *amended*, 460 F. Supp. 3d 1030 (D. Mont. 2020), *vacated and granted in part*, 141 S. Ct. 190 (2020), *appeal dismissed and remanded*, No. 20-35412, 2021 WL 7368336 (9th Cir. Aug. 11, 2021)	Environmental Law	Permanent injunction against Nationwide Permit 12 issued under the Clean Water Act
61	Am. Coll. of Obstetricians & Gynecologists v. U.S. Food & Drug Admin., 472 F. Supp. 3d 183 (D. Md. 2020), *order clarified sub nom*. Am. Coll. of Obstetricians & Gynecologists on behalf of Council of Univ. Chairs of Obstetrics & Gynecology v. U.S. Food & Drug Admin., No. CV TDC-20-1320, 2020 WL 8167535 (D. Md. Aug. 19, 2020)	Health Care	PI against enforcement during COVID-19 pandemic of in-person dispensing and signature requirements applicable to the prescribing of mifepristone to medication abortion patients
62	Make the Rd. New York v. Pompeo, 475 F. Supp. 3d 232 (S.D.N.Y. 2020)	Immigration	PI against State Department changes to Foreign Affairs Manual, a State Department rule, and a presidential proclamation governing determinations of whether a visa applicant is ineligible because they are likely to become a "public charge"
63	Walker v. Azar, 480 F. Supp. 3d 417 (E.D.N.Y. 2020)	Health Care	PI against HHS rule removing prohibitions on discrimination on the basis of gender or sex stereotyping; additional PI entered Walker v. Azar, No. 20-CV-2834, 2020 WL 6363970 (E.D.N.Y. Oct. 29, 2020)
64	Whitman-Walker Clinic, Inc. v. Dep't of Health & Hum. Servs., 485 F. Supp. 3d 1 (D.D.C. 2020)	Health Care	PI against HHS rule removing prohibitions on discrimination on the basis of gender or sex stereotyping
65	Gomez v. Trump, 485 F. Supp. 3d 145 (D.D.C. 2020), *amended in part*, 486 F. Supp. 3d 445 (D.D.C. 2020), *and amended in part sub nom.* Gomez v. Biden, No. 20-CV-01419 (APM), 2021 WL 1037866 (D.D.C. Feb. 19, 2021)	Immigration	PI against State Department restrictions on visa processing and issuance of diversity visas due to the COVID-19 pandemic
66	Nat'l Urb. League v. Ross, 484 F. Supp. 3d 802 (N.D. Cal. 2020)	Census	TRO against U.S. Census Bureau decision to reduce time frames for data collection and processing for the 2020 census; PI entered, 489 F. Supp. 3d 939 (N.D. Cal. 2020), *order clarified*, 491 F. Supp. 3d 572 (N.D. Cal. 2020)

	Caption	Topic	Notes
67	New York v. Trump, 485 F. Supp. 3d 422 (S.D.N.Y. 2020), *vacated*, 592 U.S. 125 (2020)	Immigration	Permanent injunction against presidential memorandum implementing a new policy that directed the exclusion of "aliens who are not in a lawful immigration status" for the purposes of the reapportionment of Representatives following the 2020 census
68	Washington v. Trump, 487 F. Supp. 3d 976 (E.D. Wash. 2020), *order clarified*, No. 1:20-CV-03127-SAB, 2020 WL 6588502 (E.D. Wash. Oct. 2, 2020)	Postal Service	PI against U.S. Postal Service policy changes resulting in delays
69	U.S. WeChat Users All. v. Trump, 488 F. Supp. 3d 912 (N.D. Cal. 2020)	First Amendment	PI against enforcement of Exec. Order No. 13,943, Addressing the Threat Posed by WeChat, and Taking Additional Steps to Address the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain, prohibiting "transactions" relating to WeChat
70	Jones v. U.S. Postal Serv., 488 F. Supp. 3d 103 (S.D.N.Y. 2020), *order clarified*, No. 20 CIV. 6516 (VM), 2020 WL 6554904 (S.D.N.Y. Sept. 29, 2020)	Postal Service	PI against U.S. Postal Service policy changes resulting in delays
71	New York v. Trump, 490 F. Supp. 3d 225 (D.D.C. 2020), *order clarified*, No. 20-CV-2340(EGS), 2020 WL 6572675 (D.D.C. Oct. 22, 2020), *and opinion clarified*, No. 20-CV-2340(EGS), 2021 WL 7908123 (D.D.C. Apr. 3, 2021), *and opinion clarified sub nom*. New York v. Biden, No. CV 20-2340(EGS), 2021 WL 7908124 (D.D.C. Aug. 23, 2021)	Postal Service	PI against U.S. Postal Service policy changes resulting in delays
72	Pennsylvania v. DeJoy, 490 F. Supp. 3d 833 (E.D. Pa. 2020), *order clarified*, No. CV 20-4096, 2020 WL 6580462 (E.D. Pa. Oct. 9, 2020)	Postal Service	PI against U.S. Postal Service policy changes resulting in delays
73	Vote Forward v. DeJoy, 490 F. Supp. 3d 110 (D.D.C. 2020)	Postal Service	PI against U.S. Postal Service policy changes resulting in delays
74	Immigrant Legal Res. Ctr. v. Wolf, 491 F. Supp. 3d 520 (N.D. Cal. 2020)	Immigration	PI against USCIS rule making fee changes for immigrant benefit requests
75	Nw. Immigrant Rts. Project v. U.S. Citizenship & Immigr. Servs., 496 F. Supp. 3d 31 (D.D.C. 2020)	Immigration	PI against USCIS rule making changes related to fees and fee waivers
76	NAACP v. U.S. Postal Serv., 496 F. Supp. 3d 1 (D.D.C. 2020), *enforcement granted*, No. 20-CV-2295 (EGS), 2020 WL 6441317 (D.D.C. Oct. 27, 2020)	Postal Service	PI against U.S. Postal Service policy changes resulting in delays

	Caption	Topic	Notes
77	City of San Jose v. Trump, 497 F. Supp. 3d 680 (N.D. Cal. 2020), *vacated*, 141 S. Ct. 1231 (Mem) (2020)	Census	Permanent injunction against inclusion of a question about citizenship on the 2020 census questionnaire
78	Mass. Fair Hous. Ctr. v. U.S. Dep't of Hous. & Urb. Dev., 496 F. Supp. 3d 600 (D. Mass. 2020)	Housing	PI against HUD regulations governing "disparate impact" liability under the Fair Housing Act
79	Marland v. Trump, 498 F. Supp. 3d 624 (E.D. Pa. 2020)	Technology	PI against Secretary of Commerce's implementation of Exec. Order No. 13,942, Addressing the Threat Posed by TikTok, and Taking Additional Steps to Address the National Emergency with Respect to the Information and Communications Technology and Services Supply Chain, prohibiting transactions with ByteDance and subsidiary TikTok
80	Pangea Legal Servs. v. DHS, 501 F. Supp. 3d 792 (N.D. Cal. 2020)	Immigration	TRO against DHS and DOJ final rule adding new crimes to the list of offenses that bar an alien from being eligible for asylum; PI entered, Order Converting TRO to PI, No. 3:20-cv-07721-SI (N.D. Cal. Nov. 24, 2020)
81	TikTok Inc. v. Trump, 507 F. Supp. 3d 92 (D.D.C. 2020)	Technology	PI against Secretary of Commerce's implementation of Exec. Order No. 13,942, Addressing the Threat Posed by TikTok, and Taking Additional Steps to Address the National Emergency with Respect to the Information and Communications Technology and Services Supply Chain, prohibiting transactions with ByteDance and subsidiary TikTok
82	Santa Cruz Lesbian & Gay Cmty. Ctr. v. Trump, 508 F. Supp. 3d 521 (N.D. Cal. 2020)	First Amendment	PI against Exec. Order No. 13,950, Combating Race and Sex Stereotyping, prohibiting the United States Uniformed Services, federal agencies, and federal contractors from promoting a list of "divisive concepts" in workplace trainings
83	Ass'n of Cmty. Cancer Ctrs. v. Azar, 509 F. Supp. 3d 482 (D. Md. 2020)	Health Care	TRO against HHS interim final rule requiring reimbursements made for certain drugs covered by Medicare Part B to be based on the lowest price in a group of "most favored nations" rather than the average U.S. sales price

	Caption	Topic	Notes
84	Rural & Migrant Ministry v. EPA, 510 F. Supp. 3d 138 (S.D.N.Y. 2020), *amended and superseded,* 565 F. Supp. 3d 578 (S.D.N.Y. 2020)[203]	Environmental Law	TRO against application of EPA rule related to pesticides
85	Pangea Legal Servs. v. DHS, 512 F. Supp. 3d 966 (N.D. Cal. 2021)	Immigration	PI against DHS and DOJ rule titled Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review
86	Cath. Legal Immigr. Network, Inc. v. EOIR, 513 F. Supp. 3d 154 (D.D.C. 2021)	Immigration	PI against EOIR final rule raising filing fees for immigration court proceedings

Source: CRS.

Table A-2. Nationwide Injunctions Under the Biden Administration

	Caption	Topic	Notes
1	Price v. Barr, 514 F. Supp. 3d 171 (D.D.C. 2021), *rev'd and remanded sub nom.* Price v. Garland, 45 F.4th 1059 (D.C. Cir. 2022)	First Amendment	Permanent injunction against permit and fee requirements for commercial filming activities in national parks
2	Texas v. United States, 515 F. Supp. 3d 627 (S.D. Tex. 2021)	Immigration	TRO against a DHS memorandum that implemented a100-day pause on the removal of certain aliens who were subject to a final order of removal; PI entered, 524 F. Supp. 3d 598 (S.D. Tex. 2021)
3	E. Bay Sanctuary Covenant v. Barr, 519 F. Supp. 3d 663 (N.D. Cal. 2021)[204]	Immigration	PI against DHS final rule that categorically denied asylum to most people entering the United States at the southern border who did not first apply for asylum in Mexico or another third country through which they travelled
4	Centro Legal de la Raza v. Exec. Off. for Immigr. Rev., 524 F. Supp. 3d 919 (N.D. Cal. 2021)	Immigration	PI against DOJ and EOIR final rule that changed procedures and regulations governing immigration courts
5	Faust v. Vilsack, 519 F. Supp. 3d 470 (E.D. Wis. 2021)	Equal Protection	TRO against loan-forgiveness program for farmers and ranchers under Section 1005 of the American Rescue Plan Act of 2021
6	Louisiana v. Biden, 543 F. Supp. 3d 388 (W.D. La. 2021), *vacated*, 45 F.4th 841 (5th Cir. 2022)	Energy	PI against Exec. Order No. 14,008 pausing new oil and natural gas leases on public lands or in offshore waters

[203] The district court later entered a stipulated PI barring enforcement of the policy. *See* Stipulation and Consent Order Extending Stay and Entering Injunction, Rural & Migrant Ministry v. EPA, No. 18-CV-03539-LB, (S.D.N.Y. Jan. 19, 2021).

[204] This case began under the Trump Administration, *see* E. Bay Sanctuary Covenant v. Barr, 385 F. Supp. 3d 922 (N.D. Cal. 2019), and continued under the Biden Administration. Nationwide injunctions issued in the case under both administrations, so it is included in both tables.

	Caption	Topic	Notes
7	Wynn v. Vilsack, 545 F. Supp. 3d 1271 (M.D. Fla. 2021)	Equal Protection	PI against loan-forgiveness program for farmers and ranchers under Section 1005 of the American Rescue Plan Act of 2021
8	Holman v. Vilsack, No. 21-1085-STA-JAY, 2021 WL 2877915 (W.D. Tenn. July 8, 2021)	Equal Protection	PI against loan-forgiveness program for farmers and ranchers under Section 1005 of the American Rescue Plan Act of 2021
9	Texas v. United States, 549 F. Supp. 3d 572 (S.D. Tex. 2021), *aff'd in part, vacated in part, remanded,* 50 F.4th 498 (5th Cir. 2022), *and supplemented,* No. 1:18-CV-00068, 2023 WL 5950808 (S.D. Tex. Sept. 13, 2023), *and aff'd in part, modified in part, and aff'd in part, modified in part,* 126 F.4th 392 (5th Cir. 2025)	Immigration	Permanent injunction permitting DHS to accept new DACA applications and renewal DACA applications as required in another case but barring DHS from granting DACA status for any new applicants
10	Texas v. Biden, 554 F. Supp. 3d 818 (N.D. Tex. 2021), *enforcement granted in part,* No. 2:21-CV-067-Z, 2021 WL 5399844 (N.D. Tex. Nov. 18, 2021), *and aff'd*, 20 F.4th 928 (5th Cir. 2021), *as revised* (Dec. 21, 2021), *rev'd and remanded*, 597 U.S. 785 (2022)	Immigration	Permanent injunction barring implementing or enforcing a memorandum terminating the Migrant Protection Protocols
11	Texas v. United States, 555 F. Supp. 3d 351 (S.D. Tex. 2021)	Immigration	PI against DHS and ICE memoranda setting forth immigration enforcement priorities
12	Georgia v. Biden, 574 F. Supp. 3d 1337 (S.D. Ga. 2021), *aff'd in part, vacated in part sub nom.* Georgia v. President of the United States, 46 F.4th 1283 (11th Cir. 2022)	Health Care	PI against federal contractor COVID-19 vaccine mandate
13	Feds for Med. Freedom v. Biden, 581 F. Supp. 3d 826 (S.D. Tex. 2022), *vacated and remanded,* 30 F.4th 503 (5th Cir. 2022), *reh'g en banc granted, opinion vacated,* 37 F.4th 1093 (5th Cir. 2022), *aff'd on reh'g en banc*, 63 F.4th 366 (5th Cir. 2023), *vacated*, 144 S. Ct. 480 (2023)	Health Care	PI against federal employee COVID-19 vaccine mandate
14	Arizona v. Biden, 593 F. Supp. 3d 676 (S.D. Ohio 2022), *rev'd and remanded*, 40 F.4th 375 (6th Cir. 2022)	Immigration	PI against DHS civil immigration enforcement guidance prioritizing certain high-risk aliens for apprehension and removal
15	Harrison v. Austin, 597 F. Supp. 3d 884 (E.D. Va. 2022), *appeal dismissed sub nom.* Roe v. U.S. Dep't of Def., No. 22-1626, 2022 WL 17423458 (4th Cir. July 11, 2022)	Military	Permanent injunction against military policy related to HIV-positive servicemembers

	Caption	Topic	Notes
16	Arizona by and through Brnovich v. Ctrs. for Disease Control & Prevention, 2022 WL 1276141 (W.D. La. Apr. 27, 2022)	Immigration	TRO against termination of COVID-19-related immigration restrictions enacted under Title 42; PI entered *sub nom.* Louisiana v. Ctrs. for Disease Control & Prevention, 603 F. Supp. 3d 406 (W.D. La. 2022)
17	Nebraska v. Biden, 52 F.4th 1044 (8th Cir. 2022)[205]	Student Loans	PI pending appeal against discharge of student loan debt under Higher Education Relief Opportunities for Students (HEROES) Act
18	Braidwood Mgmt. Inc. v. Becerra, 666 F. Supp. 3d 613 (N.D. Tex. 2023), *aff'd in part, rev'd in part*, 104 F.4th 930 (9th Cir. 2024), *cert. denied,* No. 24-475, 2025 WL 76462 (U.S. Jan. 13, 2025)	Healthcare	Permanent injunction against preventive care mandate of Patient Protection and Affordable Care Act related to PrEP
19	Monticello Banking Co. v. Consumer Fin. Prot. Bureau, No. 6:23-CV-00148-KKC, 2023 WL 5983829 (E.D. Ky. Sept. 14, 2023)	Financial Regulation	PI against CFPB Small Business Lending Rule
20	Tex. Bankers Ass'n v. Consumer Fin. Prot. Bureau, No. 7:23-CV-00144, 2023 WL 8480105 (S.D. Tex. Oct. 26, 2023)	Financial Regulation	PI against CFPB Small Business Lending Rule
21	Nuziard v. Minority Bus. Dev. Agency, 721 F. Supp. 3d 431 (N.D. Tex. 2024), *appeal dismissed*, No. 24-10603, 2024 WL 5279784 (5th Cir. July 22, 2024)	Equal Protection	Permanent injunction against Minority Business Development Agency's use of preferred races/ethnicities to allocate benefits
22	Career Colls. & Sch. of Texas v. U.S. Dep't of Educ., 98 F.4th 220 (5th Cir. 2024), *cert. granted in part*, No. 24-413, 2025 WL 65914 (U.S. Jan. 10, 2025)[206]	Student Loans	PI pending appeal against ED borrower defense to repayment rule
23	Alaska v. U.S. Dep't of Educ., No. 24-1057-DDC-ADM, 2024 WL 3104578 (D. Kan. June 24, 2024), *appeals filed*, No. 24-3089 (10th Cir. June 27, 2024), and No. 24-3094 (10th Cir. July 9, 2024), *application to vacate stay denied*, No. 24A11, 2024 WL 3958857 (Aug. 28 2024)	Student Loans	PI against portions of final rule related to income contingent repayment of federal student loans
24	Missouri v. Biden, 738 F. Supp. 3d 1113 (E.D. Mo. 2024), *aff'd sub nom.* Missouri v. Trump, __ F.4th __, 2025 WL 518130 (8th Cir. Feb. 18, 2025)	Student Loans	PI against final rule related to income contingent repayment of federal student loans
25	Associated Gen. Contractors of America v. U.S. Dep't of Labor, No. 5:23-CV-0272-C, 2024 WL 3635540 (N.D. Tex. June 24, 2024), *appeal filed*, No. 24-10790 (5th Cir. Oct. 28, 2024)	Public Works	PI barring enforcement of Department of Labor rule implementing the Davis-Bacon Act

[205] The district court that initially heard this case dismissed for lack of standing and declined to enter an injunction. *See* Nebraska v. Biden, 636 F. Supp. 3d 991 (E.D. Mo. 2022), *rev'd*, 143 S. Ct. 2355 (2023).

[206] The district court that initially heard this case declined to enter an injunction. *See* Career Colls. & Sch. of Tex. v. U.S. Dep't of Educ., 681 F. Supp. 3d 647 (W.D. Tex. 2023).

26	Tennessee v. Becerra, No. 1:24cv161-LG-BWR, 2024 WL 3283887 (S.D. Miss. July 3, 2024)	Healthcare	PI against HHS rule related to sex discrimination in health care
27	Wilkins v. Austin, No. 1:22-cv-1272 (LMB/IDD), 2024 WL 3874873 (E.D. Va. Aug. 20, 2024), *appeal filed*, No. 24-2079 (4th Cir. Oct. 28, 2024)	Military	Permanent injunction against DOD policies prohibiting certain HIV-positive individuals from joining the military
28	Tex. Top Cop Shop, Inc. v. Garland, No. 4:24-CV-478, 2024 WL 4953814 (E.D. Tex. Dec. 3, 2024), *amended and superseded by* 2024 WL 5049220 (E.D. Tex. Dec. 5, 2024), *stay granted by* McHenry v. Tex. Top Cop Shop, Inc., 145 S. Ct. 1 (2025)	Congressional Power	PI barring enforcement of the Corporate Transparency Act and its implementing regulations

Source: CRS.

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