

It Only Took A Few Months For Stephen Miller And GOP States To Do A 180° On Nationwide Injunctions

SUMMARY:

On May 15th, the Supreme Court will consider President Trump's application to stay multiple nationwide preliminary injunctions against his executive order ending birthright citizenship.

In the President's telling, federal judges lack the authority to impose broad injunctive relief when addressing a constitutional violation or other legal dispute. It's a line of argument that his key allies and advisors, like Stephen Miller, have also publicly stressed. Miller, in particular, has loudly lambasted nationwide injunctions in multiple fora as of late, part and parcel with his broader strategy of undermining judicial scrutiny of the Trump administration.

But less than a year ago, Miller was singing a very different tune. In several immigration law cases filed against the Biden administration, a prominent conservative group that he founded, America First Legal, repeatedly pressed for broad nationwide injunctions on behalf of GOP-led states:

- In August 2024, America First Legal [requested](#) a nationwide injunction to stop the Biden administration's "parole in place" program, which would allow up to 550,000 people to receive temporary protections and work permits in the U.S.
- In February 2023, America First Legal [requested](#) a nationwide injunction to stop the Biden administration's CHNV program, which allowed immigrants from certain countries to legally work and live in the U.S. on parole. Twenty GOP-led states joined the lawsuit.
- In April 2021, America First Legal [requested](#) a nationwide injunction to curtail immigration due to alleged public health concerns.

In another case, the group claimed an "AFL victory" after a judge issued a nationwide injunction in a lawsuit challenging a vaccine mandate for federal employees (which was similar to one of AFL's own lawsuits).

Almost all of the Republican-led states that previously requested nationwide injunctions against the Biden administration have now signed on to amicus briefs urging the Supreme Court to limit the authority of trial court judges to impose broad injunctive relief—a breathtaking about-face.

The Supreme Court Will Hear Arguments In *Trump v. CASA, Inc.*, A Case That Could Determine Whether District Court Judges Can Impose Nationwide Injunctions

The Supreme Court Will Hear Arguments In *Trump v. CASA, Inc.*, On May 15, 2025

May 15, 2025: The Supreme Court Will Hear Oral Arguments In *Trump v. CASA, Inc.* "Consideration of the application (24A884) for partial stay presented to The Chief Justice and by him referred to the Court is deferred pending oral argument. Consideration of the application (24A885) for partial stay presented to Justice Kagan and by her referred to the Court is deferred pending oral argument. Consideration of the application (24A886) for partial stay presented to Justice Jackson and by her referred to the Court is deferred pending oral argument. The applications are consolidated, and a total of one hour is allotted for oral argument. The

applications are set for oral argument at 10 a.m. on Thursday, May 15, 2025.” [Supreme Court of the United States, [4/17/25](#)]

The Case Deals With President Trump’s Executive Order Ending Birthright Citizenship For The Children Of Undocumented Immigrants. “The Supreme Court will hear oral arguments on May 15 on the federal government’s request to be allowed to implement President Donald Trump’s executive order ending birthright citizenship – the guarantee of citizenship to almost everyone born in the United States, which dates back to the post-Civil War era... Shortly after his inauguration in January of this year, he made good on that pledge, issuing his executive order indicating that people born in the United States will not be entitled to citizenship if their parents are in this country illegally or temporarily.” [SCOTUSblog, [4/17/25](#)]

The Question Before The Court Turns On Whether A District Court Judge Can Impose Broad Injunctive Relief (For Example, A Nationwide Injunction)

The Court Will Consider Whether It Should Stay Multiple District Courts’ Nationwide Preliminary Injunctions Against The President’s Executive Order. “Issue: Whether the Supreme Court should stay the district courts’ nationwide preliminary injunctions on the Trump administration’s Jan. 20 executive order ending birthright citizenship except as to the individual plaintiffs and identified members of the organizational plaintiffs or states.” [SCOTUSblog, accessed [5/7/25](#)]

America First Legal Founder And Senior Trump Advisor Stephen Miller Has Lambasted Nationwide Injunctions In Recent Months

America First Legal Was Launched By Trump’s Former Senior Advisor Stephen Miller To Lay The Groundwork For A Second Trump Administration

AFL Is A Conservative Legal Group Launched by Trump Allies To Challenge The Biden Administration

2021: America First Legal (AFL) Was Co-Founded By Former Trump Chief Of Staff Mark Meadows, Former Trump White House Senior Advisor Stephen Miller, And Former Top Trump Justice Department Aide Gene Hamilton. “Founded in 2021 by Trump Administration officials Stephen Miller, Gene Hamilton, and Mark Meadows, America First Legal (AFL) engages in ‘lawfare’ designed to defeat the ever-pervasive woke agenda infiltrating Big Business, Big Education, and Big Government.” [Conservative Partnership Institute, [2022](#)]

AFL Was Originally Intended To Challenge Biden Administration Initiatives At Odds With Trump-Era Priorities. “Mr. Miller, an architect of the last administration’s restrictive immigration policies and a leading backer of its socially conservative initiatives, is launching this week a new organization, America First Legal, to challenge Biden administration initiatives at odds with Trump-era priorities.” [Wall Street Journal, [4/7/21](#)]

Trump Praised AFL’s Launch, Stating, “The Era Of Unilateral Legal Surrender Must End” And “I Hope All America First Patriots Will Get Behind America First Legal.” “A year later, the former president bestowed his seal of approval on Mr. Miller’s new project. ‘The era of unilateral legal surrender must end,’ Mr. Trump said in a statement, ‘and I hope all America First patriots will get behind America First Legal.’” [New York Times, [3/21/24](#)]

AFL Was “A Central Vehicle” For “Laying Legal Groundwork” For A Second Trump Administration’s Agenda. “Driving the news: Longtime aides and allies preparing for a potential second Trump administration have been laying legal groundwork with a flurry of lawsuits and legal complaints — some of which have been

successful. [...] A central vehicle for the effort has been America First Legal, founded by former Trump aide Stephen Miller, who has called the group conservatives' 'long-awaited answer to the ACLU.'" [Axios, [4/1/24](#)]

Stephen Miller Now Serves As An Influential Deputy Chief Of Staff For Policy In The Trump Administration

CNN: Miller Is The Deputy Chief Of Staff For Policy And "One Of The Most Powerful People In Government." "The other is Stephen Miller, whose title – deputy chief of staff for policy – in many ways understates the massive influence he commands both with the president and across the government. [...] Miller is now one of the most powerful people in government, with a direct line to Trump and – perhaps more importantly – a canny ability to translate Trump's policy ideas into action." [CNN, [2/10/25](#)]

Washington Post: Miller Was "One Of The Chief Architects Of Trump's Second Term." "Stephen Miller, one of the chief architects of Trump's second term, highlighted a months-long effort to dismantle previous policies on diversity, equity and inclusion and transgender medical treatments. In harsh and at times angry rhetoric, he cast Trump as a cultural warrior taking on entrenched interests and political correctness." [Washington Post, [5/1/25](#)]

Stephen Miller Criticized Judicial Review Of Trump's Executive Orders, Despite Celebrating America First Legal's Success In Restraining The Biden Admin

Since Trump Reentered The White House, Miller Has Criticized Federal Courts For Imposing Nationwide Injunctions And Temporary Restraining Orders

Trump's Flood Of Executive Orders Has Been Met With Dozens Of Lawsuits And Multiple Court Orders Temporarily Halting His Actions. "The courts are slamming the brakes on some of President Donald Trump's efforts to quickly trim and transform the federal government. In his first weeks in office, Trump has signed more than 50 executive orders aimed at reshaping the government, from targeting birthright citizenship to changing how transgender inmates are housed. Government agencies have also used the orders to try to freeze federal funding nationwide and offer buyouts to the bulk of government employees." [NBC News, [2/6/25](#)]

Stephen Miller Said The Constitution Does Not Allow "A Lone Unelected District Judge" To "Assume Decision-Making Control Over The Entire Executive Branch" And Criticized "Nationwide District Court TROs" (I.E., Temporary Restraining Orders).



Stephen Miller 
@StephenM



Hey Pete, care to show us the line in the Constitution where it says a lone unelected district judge can assume decision-making control over the entire executive branch affecting 300M citizens? Any mention of nationwide district court TROs? Or permanent all-powerful bureaucracy?



Pete Buttigieg  @PeteButtigieg · Feb 9

In America, decisions about what is legal and illegal are made by courts of law. Not by the Vice President.

3:03 PM · Feb 9, 2025 · 4.4M Views

[X, Stephen Miller, [2/9/25](#)]

Miller Said The Administration Would Work To Curtail The Nationwide Injunctions. “Stephen Miller, the White House deputy chief of staff, suggested that the administration's goal is to force action that ultimately curtails these orders. ‘Our objective, one way or another, is to make clear that the district courts of this country do not have the authority to direct the functions of the executive branch. Period,’ he told Fox News in an interview Thursday.” [CBS News, [3/22/25](#)]

Politico: Trump And Miller Have Been “Enraged” By Nationwide Injunctions And Asked The Supreme Court To Curtail The Practice. “Trump and advisers like Stephen Miller have been enraged by the ability of a single lower court judge to issue injunctions that hamstringing the president’s agenda across the country. The administration has asked the Supreme Court to ‘prevent universal injunctions from becoming universally acceptable,’ so the court’s handling of the issue is being closely watched by lawyers across the country — including those handling the tariff cases.” [Politico, [5/1/25](#)]

Miller Loudly Celebrated AFL’s Success In Obtaining Temporary Restraining Orders During The Biden Administration

May 2021: Miller Celebrated AFL’s Temporary Restraining Order In A Lawsuit About Diversity Requirements In COVID Relief For Restaurant Operators.



Stephen Miller ✓
@StephenM

...

BREAKING: [@America1stLegal](#) and [@TPPF](#) have secured a Temporary Restraining Order on behalf of its client against the Biden Administration. AFL is suing the Admin over illegal race preferences in its distribution of covid relief \$ for restaurant operators.
[aflegal.org/news/america-f...](#)

10:37 AM · May 19, 2021

[X, Stephen Miller, [5/19/21](#)]

January 2021: Miller Celebrated A Temporary Restraining Order In A Challenge To The Biden Administration’s Pekoske Memo, Which Miller Claimed Was An “Unconstitutional Ban On Immigration Enforcement.”



Stephen Miller ✓
@StephenM



Great news. Federal judge issued a TRO enjoining [@POTUS](#) unconstitutional ban on immigration enforcement. The Pekoske Memo effectively abolished [@ICEgov](#) through departmental directive. If allowed to go into force, it would free at least 12K criminal aliens per month.

2:56 PM · Jan 26, 2021

[X, Stephen Miller, [1/26/21](#)]

America First Legal Represented Republican-Led States In Lawsuits Against The Biden Administration, Explicitly Requesting Nationwide Injunctions In Three Immigration Law Cases Filed In Texas

August 2024: In *State Of Texas v. United States Department of Homeland Security*, America First Legal Requested A Nationwide Injunction On Behalf Of Texas And 15 Other States To Stop The Biden Administration's Parole In Place Program

America First Legal Represented Texas As It Sued, Along With 15 Other GOP States, To Stop The Biden Administration's "Parole In Place" Program, Which Would Allow Up To 550,000 People To Receive Temporary Protections And Work Permits In The U.S.

June 2024: Biden Announced The "Parole In Place" Program Which Would Allow Up To 550,000 People To Receive Temporary Protections And Work Permits In The US. "On June 18, President Joe Biden announced a new program that will allow certain spouses of United States citizens to apply for "parole-in-place" from the Department of Homeland Security (DHS). This program, which is not yet open for applications, will not only allow up to 550,000 people to receive temporary protections and work permits in the United States, but will generally allow them to apply for lawful permanent resident (LPR) status (also known as a green card) through their spouses without risking years of separation from their families." [American Immigration Council, [6/18/24](#)]

America First Legal Served As Counsel For The State Of Texas In Its Suit Against The Federal Government.

Respectfully submitted.

GENE P. HAMILTON
Virginia Bar No. 80434

JAMES ROGERS
Arizona Bar no. 027287

RYAN GIANNETTI
DC Bar no. 1613384

America First Legal Foundation
611 Pennsylvania Ave. SE #231
Washington, DC 20003
(202) 964-3721
Gene.Hamilton@aflegal.org
James.Rogers@aflegal.org
Ryan.Giannetti@aflegal.org

COUNSEL FOR PLAINTIFF
STATE OF TEXAS

[Eastern District of Texas Tyler Division, *Texas et al., v. United States Department of Homeland Security et al.*, Complaint, filed [8/23/24](#)]

- **AFL Claimed The Biden Administration's Parole In Place (PIP) Program Unlawfully Granted Executive Amnesty To Undocumented Immigrants.** "The Biden-Harris Administration's Department of Homeland Security Parole in Place (PIP) Program provides a grant of 'parole' for illegal aliens who have unlawfully lived in the United States for ten or more years. Immigrant parole authority is only lawfully extended to aliens entering the United States on a 'case-by-case basis for urgent humanitarian reasons or significant public benefit.' The PIP Program unlawfully distorts immigration parole authority

by allowing illegal aliens the opportunity to adjust their legal status while residing illegally in the United States. Effectively a form of Executive amnesty, the Program provides an illegal pathway to citizenship, undermines our constitutional separation of powers, and, as one of the many Biden-Harris open borders policies, incentivizes illegal immigration.” [America First Legal, accessed [12/10/24](#)]

Fifteen Other GOP-led States Joined Texas In Suing The Federal Government.

STATE OF TEXAS;
STATE OF IDAHO;
STATE OF ALABAMA;
STATE OF ARKANSAS;
STATE OF FLORIDA;
STATE OF GEORGIA
STATE OF IOWA;
STATE OF KANSAS;
STATE OF LOUISIANA;
STATE OF MISSOURI;
STATE OF NORTH DAKOTA;
STATE OF OHIO;
STATE OF SOUTH CAROLINA;
STATE OF SOUTH DAKOTA;
STATE OF TENNESSEE;
STATE OF WYOMING,

Plaintiffs,

[Eastern District of Texas Tyler Division, *Texas et al., v. United States Department of Homeland Security et al.*, Complaint, filed [8/23/24](#)]

In Their Complaint, The State Plaintiffs Requested A Nationwide Injunction To Stop The Program And Defended Nationwide Injunctions For Immigration Law Cases

America First Legal Argued That The Requested Injunctive Relief “Should Be Nationwide” In Scope.

“The Court Should Vacate the PIP Program, Declare it Unlawful, and Enjoin the Defendants Nationwide. [...] The injunction should be nationwide.” [Eastern District of Texas Tyler Division, *Texas, et al., v. Homeland Security, et al.*, Original Complaint, filed [8/23/24](#)]

America First Legal Defended Nationwide Injunctions For Immigration Law Cases. “Further, ‘[t]here is a substantial likelihood that a geographically-limited [remedy] would be ineffective,’ as aliens who had their status changed on account of the PIP Program would be free to move among the States. *Texas. v. United States*, 40 F.4th at 229 n.18 (citing *DAPA*, 809 F.3d at 188); see also *Louisiana v. Becerra*, 20 F.4th 260, 263 (5th Cir. 2021) (nationwide injunction appropriate in part ‘because of the constitutional command for ‘uniform’ immigration laws’).” [Eastern District of Texas Tyler Division, *State of Texas, et al., v. Homeland Security, et al.*, Original Complaint, filed [8/23/24](#)]

February 2023: In *State of Texas v. U.S. Department of Homeland Security*, America First Legal Requested A Nationwide Injunction To Stop A Biden-Era Immigration Program

Texas And 19 GOP-led States Sued To Stop The Biden Administration’s CHNV Program, Which Allowed Immigrants From Four Latin American Countries To Legally Work And Live In The U.S. For Two Years On Parole

The CHNV Program Allowed Immigrants From Cuba, Haiti, Nicaragua, And Venezuela To Legally Work And Live In The U.S. For Two Years On Parole. “The administration first launched the sponsorship program in October 2022 to discourage Venezuelans from traveling to the U.S.-Mexico border by offering them a legal way to enter the country if American-based individuals agreed to sponsor them. It was then expanded in January 2023 to include migrants from Cuba, Haiti and Nicaragua, whose citizens were also crossing the U.S. southern border in record numbers at the time. As of the end of August, 530,000 migrants from these four countries had flown into the U.S. under the policy, known as the CHNV program, government figures show. They were granted permission to live and work in the U.S. legally for two years under an immigration law known as parole, which presidents can use to welcome foreigners on humanitarian or public interest grounds.” [CBS News, [10/4/24](#)]

Texas And Its Co-Plaintiffs Claimed The CHNV Parole Program Unlawfully Allowed Immigrants To Immigrant Without Congressional Approval. “Under the guise of preventing illegal aliens from crossing the southern land border, the Biden Administration created a new blatantly unlawful program that will permit up to 360,000 aliens to be ‘paroled’ into the United States every year—despite no authorization from Congress to do so and even though these aliens do not have visas. The new program actually allows aliens in their home countries to obtain the benefit of securing advance approval to enter the United States—despite no other basis in law for them doing so (i.e., these are not visas).” [America First Legal, accessed [12/10/24](#)]

- **Texas And 20 Other States Sued The Biden Administration.** “Partnering with Texas and 20 other states, AFL filed a lawsuit and a motion for preliminary injunction against the Biden Administration. Together with lawyers from the Texas Attorney General’s Office, AFL attorneys argued the case at the trial held on August 24 and 25, 2023, and helped draft the post-trial briefs. [...] The district court dismissed this case without prejudice.” [America First Legal, accessed [12/10/24](#)]

In Their Complaint, Texas, Which Was Being Represented By America First Legal, Requested A Nationwide Injunction To Stop The Program

The State Plaintiffs And America First Legal’s Lawyers Argued In Favor Of A Nationwide Injunction, Claiming Nationwide Relief Was Necessary For Immigration Law Cases. “Relief Should Be Nationwide. ‘In the context of immigration law, broad relief is appropriate to ensure uniformity and consistency in enforcement.’ Texas MPP, 40 F.4th at 229 n.18. Here, ‘[t]here is a substantial likelihood that a geographically-limited [remedy] would be ineffective,’ as aliens would simply be paroled into the United States through a non-party State. Id.; see also Louisiana v. Becerra, 20 F.4th 260, 263 (5th Cir. 2021) (nationwide injunction appropriate in part ‘because of the constitutional command for ‘uniform’ immigration laws). The same scope of relief is independently justified on the basis that unlawful agency actions are ordinarily ‘vacated—not that their application to the individual [plaintiffs] is proscribed.’ Texas MPP II, 2022 WL 17718634 at *18.” [Southern District of Texas Victoria Division, State of Texas, et al., v. Homeland Security, et al., Plaintiff States’ Motion for Preliminary Injunction, filed [2/14/23](#)]

- **The Case Was Dismissed Without Prejudice.** “Partnering with Texas and 20 other states, AFL filed a lawsuit and a motion for preliminary injunction against the Biden Administration. Together with lawyers from the Texas Attorney General’s Office, AFL attorneys argued the case at the trial held on August 24 and 25, 2023, and helped draft the post-trial briefs. [...] The district court dismissed this case without prejudice.” [America First Legal, accessed [12/10/24](#)]

April 2021: In *State of Texas v. Biden et al*, America First Legal Represented Texas In Its Lawsuit Against The Biden Administration, Claiming The Federal Government’s Immigration Policies Endangered Texas’s Public Health

Texas Sued The Biden Administration, Alleging That It Put Texas's Public Health At Risk By Allowing An "Influx Of Aliens"

In Its Suit Against The Federal Government, Texas Claimed That The Biden Administration Put Texas's Public Health At Risk By Allowing An "Influx Of Aliens." "The Federal government violated the Immigration and Nationality Act ('INA'), the Public Health Service Act of 1944 ("PHSA"), and the Administrative Procedure Act ('APA') by abandoning preexisting protections against the introduction of illegal aliens infected with COVID-19 into the state of Texas. By causing an influx of aliens who are or might be infected with COVID-19, the Biden administration has put the public health of Texas and the United States in peril, as well as having weakened the economies of Texas and the United States as the economy attempts to recover from the effects of the pandemic." [America First Legal, accessed [12/10/24](#)]

- **Gene Hamilton Of America First Legal Served As Co-Counsel For The State Of Texas.**

/s/ Gene P. Hamilton

Gene P. Hamilton*

Virginia Bar No. 80434

Vice-President and General Counsel

America First Legal Foundation

300 Independence Avenue SE

Washington, DC 20003

(202) 964-3721

gene.hamilton@aflegal.org

* Pending *pro hac vice* admission

/s/ Christopher J. Hajec

Christopher J. Hajec*

District of Columbia Bar No. 492551

Matt A. Crapo*

District of Columbia Bar No. 473355

Immigration Reform Law Institute

25 Massachusetts Ave., NW, Suite 335

Washington, DC 20001

(540) 205-7986

litigation@irli.org

* Pending *pro hac vice* admission

Counsel for the State of Texas

[Northern District Of Texas Fort Worth Division, State of Texas v. Biden, et al., Complaint for Declaratory Relief, filed [4/22/21](#)]

Texas Sued The Biden Administration And Obtained A Preliminary Injunction Before the Biden Administration Changed Its Policies And The Case Was Terminated. "AFL and the State of Texas sued the Biden administration for their failure to enforce the Title 42 regime during the pandemic. [...] AFL VICTORY. AFL and Texas obtained a preliminary injunction against the Biden Administration on March 4, 2022. But the Biden Administration subsequently amended its policies to avoid further litigation on the matter, and the case was terminated." [America First Legal, accessed [12/10/24](#)]

In Its Complaint, Texas Requested A Nationwide Injunction Three Times To Curtail Immigration

Texas Requested A Nationwide Injunction Three Times In Its Complaint To Require The Biden Administration To Limit Immigration. "Issue nationwide preliminary and permanent injunctive relief enjoining Defendants from enforcing the February Order promulgated at 86 Fed. Reg. 9,942 (Feb. 17, 2021), and order

Defendants to continue to apply the rules in place on January 19, 2021 to all covered aliens until Defendants amend such rules pursuant to the APA's notice-and-comment rulemaking and 30-day-notice requirements or pursuant to a lawful exception from those requirements [...] Issue nationwide preliminary and permanent injunctive relief under the APA and the Take Care Clause enjoining Defendants from not applying Title 42 to all covered aliens until Defendants amend such rules pursuant to the APA [...] Issue nationwide preliminary and permanent injunctive relief under the APA and the Take Care Clause enjoining Defendants from failing to detain, quarantine, and test under 8 U.S.C. § 1222(a) all aliens arriving who could carry a communicable disease of public health significance before releasing them into the United States" [Northern District Of Texas Fort Worth Division, State of Texas v. Biden, et al., Complaint for Declaratory Relief, filed [4/22/21](#)]

In A Fourth Case Representing A Federal Employee, America First Legal's Request For Permanent Injunctive Relief Resulted In A Nationwide Injunction

January 2022: In *Vierbuchen v. Biden*, America First Legal Celebrated Victory After A Case Similar To Theirs Resulted In A Nationwide Injunction

America First Legal Sued The Biden Administration Over Their Executive Order Requiring Executive Branch Employees to Receive The COVID-19 Vaccine

America First Legal Criticized The Biden Administration's Executive Order Requiring All Executive Branch Employees To Receive The COVID-19 Vaccine. "The Biden Administration issued an Executive Order requiring all executive branch employees to get the COVID-19 vaccine or face termination. AFL brought suit on behalf of a federal employee to protect her right to not be forced to get an injection she did not want or need." [America First Legal, accessed [12/11/24](#)]

America First Legal Filed A Lawsuit On Behalf Of A Federal Prosecutor And Supported Similar Litigation. "AFL filed a lawsuit on behalf of a federal prosecutor to have the Executive Order held illegal and unconstitutional. AFL also supported similar litigation in the United States Court of Appeals for the Fifth Circuit's *Feds For Medical Freedom* case." [America First Legal, accessed [12/11/24](#)]

America First Legal Requested A Permanent Injunction. "Wherefore, Ms. Vierbuchen respectfully requests the following relief [...] Permanent injunctive relief." [District of Wyoming, *Vierbuchen v. Biden*, Complaint, filed [1/4/22](#)]

AFL Claimed Victory After A Judge In A Similar Case Issued A Nationwide Injunction, Leading To The Biden Administration Ending The Policy

December 2021: A Federal Judge In Georgia Issued A Nationwide Injunction Against A Vaccine Mandate For Federal Contractors. "A federal judge on Tuesday issued a nationwide injunction against a vaccine mandate for federal contractors, ruling that President Joe Biden probably exceeded his authority by imposing the requirement. Judge R. Stan Baker, who's based in Georgia, temporarily blocked implementation of the administration after a lawsuit from numerous states and a trade group argued that letting the mandate take effect on Jan. 4 would cause 'irreparable injury' to workers who could be forced out of their jobs." [NBC News, [12/7/21](#)]

America First Legal Claimed Victory After A Fifth Circuit Ruling Upheld A Nationwide Injunction That Led The Biden Administration To End The Mandate. "AFL VICTORY: The proceedings in Wyoming remained stayed for a majority of the case while the litigation in Texas moved through the court system. Ultimately, AFL's position prevailed in the Court of Appeals for the Fifth Circuit, upholding a nationwide

injunction barring the enforcement of the mandate, which led the Administration to reverse course and end the vaccine mandate altogether. After that, AFL dismissed the suit. Thus, AFL's client prevailed and retained her career without having to get the injection." [America First Legal, accessed [12/11/24](#)]

In Recent Months, Several GOP-led States Have Done A Remarkable About-Face When It Comes To Nationwide Injunctions

In An Amicus Brief In *Trump v. CASA, Inc.*, Tennessee Called On The Supreme Court To "Clarify That Any Injunctive Relief Must Be Limited To The Parties," An Apparent About-Face From A Few Months Earlier When Tennessee Called Nationwide Injunctions "Appropriate" When It Comes To Immigration Policy

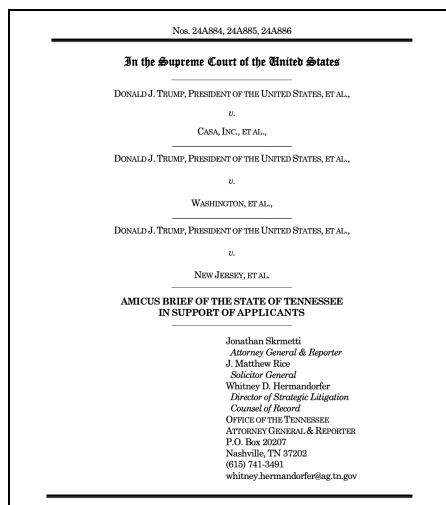
In Texas v. United States Department Of Homeland Security, Tennessee Joined The Other State Plaintiffs In Arguing That Nationwide Injunctions Are "Appropriate" In the Context Of Immigration Law

August 23, 2024: Tennessee Was A Co-Plaintiff In *Texas v. United States Department Of Homeland Security*. "Plaintiffs State of Tennessee is a sovereign State of the United States of America." [Eastern District of Texas Tyler Division, *Texas et al., v. United States Department of Homeland Security et al.*, Complaint, filed [8/23/24](#)]

- **In Its Complaint, The State Plaintiffs Called Nationwide Injunctions "Appropriate" When It Comes To Immigration Law.** "Both the Constitution and Congress have directed that the country needs a uniform, nationwide immigration policy. See DAPA, 809 F.3d at 187–88. Specifically, '[i]n the context of immigration law, broad relief is appropriate to ensure uniformity and consistency in enforcement.' DAPA, 50 F.4th at 531 (quoting *Texas v. United States*, 40 F.4th 205, 229 n.18 (5th Cir. 2022)). In contrast, a more limited remedy would 'detract[] from the integrated scheme of regulation created by Congress.' *Id.* (cleaned up)." [Eastern District of Texas Tyler Division, *Texas et al., v. United States Department of Homeland Security et al.*, Complaint, filed [8/23/24](#)]

*In Its March 2025 Amicus Brief In *Trump v. CASA, Inc.*, Tennessee Seemingly Reversed Course Urging The Court To Limit Lower Courts' Ability To Impose Universal Injunctive Relief, Like Nationwide Injunctions*

March 21, 2025: Tennessee Submitted An Amicus Brief In Support Of President Trump In *Trump v. CASA, Inc.*



[*Donald Trump v. CASA Inc.*, amicus brief of the state of Tennessee in support of the Applicants, filed [3/21/25](#)]

- **In Its Brief, Tennessee Asked The Court To “Clarify That Any Injunctive Relief Must Be Limited To The Parties.”** “As a baseline, this Court should clarify that any injunctive relief must be limited to the parties. As a rule, ‘injunctive relief should be no more burdensome to the defendant than necessary to provide complete relief to the plaintiffs.’ *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979) (emphasis added). To that end, an injunction ‘must ... be limited to the inadequacy that produced the injury in fact that the plaintiff has established.’ *Gill v. Whitford*, 585 U.S. 48, 68 (2018).” [*Donald Trump v. CASA Inc.*, amicus brief of the state of Tennessee in support of the Applicants, filed [3/21/25](#)]
- **Tennessee Also Urged The Court To “[Cabin] Courts’ Growing Penchant For Universally Blocking Presidential Policies,” Which The State Argued Would “Help Foretell Further Branch-On-Branch Conflict At The Federal Level.”** “Cabining courts’ growing penchant for universally blocking presidential policies not only will help forestall further branch-on-branch conflict at the federal level.” [*Donald Trump v. CASA Inc.*, amicus brief of the state of Tennessee in support of the Applicants, filed [3/21/25](#)]

20 Republican States Signed On To An Amicus Brief In *Trump v. CASA, Inc.*—Raising The Alarm Of “A Crisis Caused By Nationwide Injunctions,” Which They Apparently Created When They Asked District Courts To Impose Nationwide Injunctions Against The Biden Administration

In Texas v. United States Department Of Homeland Security, 16 GOP-led States Argued That Nationwide Injunctions Were “Appropriate” In the Context Of Immigration Law

August 23, 2024: Texas, Idaho, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana Missouri, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, And Wyoming Were Co-Plaintiffs In *Texas v. United States Department Of Homeland Security*.

STATE OF TEXAS; STATE OF IDAHO; STATE OF ALABAMA; STATE OF ARKANSAS; STATE OF FLORIDA; STATE OF GEORGIA STATE OF IOWA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MISSOURI; STATE OF NORTH DAKOTA; STATE OF OHIO; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF TENNESSEE; STATE OF WYOMING, <i>Plaintiffs,</i> v.	No. 6:24-cv-00306
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[Eastern District of Texas Tyler Division, *Texas et al., v. United States Department of Homeland Security et al.*, Complaint, filed [8/23/24](#)]

- **In Their Complaint, The State Plaintiffs Called Nationwide Injunctions “Appropriate” When It Comes To Immigration Law.** “Both the Constitution and Congress have directed that the country needs a uniform, nationwide immigration policy. See DAPA, 809 F.3d at 187–88. Specifically, ‘[i]n the context of immigration law, broad relief is appropriate to ensure uniformity and consistency in enforcement.’ DACA, 50 F.4th at 531 (quoting Texas v. United States, 40 F.4th 205, 229 n.18 (5th Cir. 2022)). In contrast, a more limited remedy would ‘detract[] from the integrated scheme of regulation created by Congress.’ Id. (cleaned up).” [Eastern District of Texas Tyler Division, *Texas et al., v. United States Department of Homeland Security et al.*, Complaint, filed [8/23/24](#)]

In State of Texas v. U.S. Department of Homeland Security, 20 GOP-led States Argued Nationwide Injunctions Were “Appropriate To Ensure Uniformity And Consistency In Enforcement” In The Context Of Immigration Law.

January 24, 2023: Texas, Alabama, Alaska, Arkansas, Florida, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Ohio, South Carolina, Tennessee, Utah, West Virginia, And Wyoming Were Co-Plaintiffs In Texas v. U.S. Department Of Homeland Security.

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**United States District Court
Southern District of Texas
Victoria Division**

STATE OF TEXAS, STATE OF ALABAMA STATE OF ALASKA STATE OF ARKANSAS STATE OF FLORIDA STATE OF IDAHO STATE OF IOWA STATE OF KANSAS COMMONWEALTH OF KENTUCKY STATE OF LOUISIANA STATE OF MISSISSIPPI STATE OF MISSOURI STATE OF MONTANA STATE OF NEBRASKA STATE OF OHIO STATE OF SOUTH CAROLINA STATE OF TENNESSEE STATE OF UTAH STATE OF WEST VIRGINIA STATE OF WYOMING <i>Plaintiffs,</i>	Case No. _____
v.	

[Southern District of Texas Victoria Division, State of Texas, et al., v. Homeland Security, et al., Complaint, filed [1/24/23](#)]

February 14, 2023: In Their Motion For Preliminary Injunction In State Of Texas v. U.S. Department Of Homeland Security, The State Plaintiffs Argued That “‘In The Context Of Immigration Law, Broad Relief Is Appropriate To Ensure Uniformity.’” “Relief Should Be Nationwide. ‘In the context of immigration law, broad relief is appropriate to ensure uniformity and consistency in enforcement.’ Texas MPP, 40 F.4th at 229 n.18. Here, ‘[t]here is a substantial likelihood that a geographically-limited [remedy] would be ineffective,’ as aliens would simply be paroled into the United States through a non-party State. Id.; see also Louisiana v. Becerra, 20 F.4th 260, 263 (5th Cir. 2021) (nationwide injunction appropriate in part ‘because of the constitutional command for ‘uniform’ immigration laws). The same scope of relief is independently justified on the basis that unlawful agency actions are ordinarily ‘vacated—not that their application to the individual [plaintiffs] is proscribed.’ Texas MPP II, 2022 WL 17718634 at *18.” [Southern District of Texas Victoria

Division, State of Texas, et al., v. Homeland Security, et al., Plaintiff States' Motion for Preliminary Injunction, filed [2/14/23](#)

In Their Amicus Brief In Trump v. CASA Inc., 20 GOP-led States Cautioned The Supreme Court Against Permitting Trial Judges To Grant Broad Injunctive Relief

March 28, 2025: Iowa And 19 Other GOP-led States Filed An Amicus Brief In Support Of President Trump In *Trump v. CASA, Inc.*

Nos. 24A884, 24A885, 24A886		
In the Supreme Court of the United States		
DONALD J. TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES, ET AL.,		<i>Applicants,</i>
v.		
CASA, INC., ET AL.,		<i>Respondents,</i>
DONALD J. TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES, ET AL.,		<i>Applicants,</i>
v.		
STATE OF WASHINGTON, ET AL.,		<i>Respondents,</i>
DONALD J. TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES, ET AL.,		<i>Applicants,</i>
v.		
STATE OF NEW JERSEY, ET AL.,		<i>Respondents.</i>
BRIEF OF IOWA AND 19 OTHER STATES AS AMICI CURIAE IN SUPPORT APPLICANTS		

[Supreme Court of the United States, *Donald J. Trump, et al. v. CASA, Inc., et al.*, Brief of Iowa and 19 Other States as Amici Curiae in Support Applicants, filed [3/28/25](#)]

- Alabama, Arkansas, Florida, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, And Wyoming Also Signed On To The Brief.

ADDITIONAL COUNSEL	
STEVE MARSHALL Attorney General of Alabama	GENTNER DRUMMOND Attorney General of Oklahoma
TIM GRIFFIN Attorney General of Arkansas	ALAN WILSON Attorney General of South Carolina
JAMES UTHMEIER Attorney General of Florida	MARTY JACKLEY Attorney General of South Dakota
RAÚL R. LABRADOR Attorney General of Idaho	KEN PAXTON Attorney General of Texas
THEODORE E. ROKITA Attorney General of Indiana	DEREK E. BROWN Attorney General of Utah
KRIS KOBACH Attorney General of Kansas	BRIDGET HILL Attorney General of Wyoming
LIZ MURRILL Attorney General of Louisiana	
LYNN FITCH Attorney General of Mississippi	
ANDREW T. BAILEY Attorney General of Missouri	
AUSTIN KNUDSEN Attorney General of Montana	
MICHAEL T. HILGERS Attorney General of Nebraska	
DREW WRIGLEY Attorney General of North Dakota	
DAVE YOST Attorney General of Ohio	

[Supreme Court of the United States, *Donald J. Trump, et al. v. CASA, Inc., et al.*, Brief of Iowa and 19 Other States as Amici Curiae in Support Applicants, filed [3/28/25](#)]

In Their Brief, The States Asked The Court To “Consider The Balance Of Equities Of Nationwide Relief” When States Variously Support Or Oppose A Case. “And this Court should consider the balance of equities of nationwide relief in a case brought by some States and opposed by others.” [Supreme Court of the United States, *Donald J. Trump, et al. v. CASA, Inc., et al.*, Brief of Iowa and 19 Other States as Amici Curiae in Support Applicants, filed [3/28/25](#)]

The States Also Bemoaned A “Crisis Caused By Nationwide Injunctions Entered Without Reasonable Grounds.” “Indeed, even outside the State-specific context, many members of this Court have expressed discomfort with the effects of improperly granted nationwide relief. The United States comes to the Supreme Court in this emergency posture due to a crisis caused by nationwide injunctions entered without reasonable bases. Cf. *Labrador v. Poe*, 133 S.Ct. 921, 926 (2024); *DHS v. New York*, 140 S.Ct. 599 (2020). Here, despite tens of States opposing the injunctive relief sought below, nationwide relief is enjoining enforcement of this Presidential policy in those States, too. See *DHS*, 140 S.Ct. at 601 (Gorsuch J., concurring).” [Supreme Court of the United States, *Donald J. Trump, et al. v. CASA, Inc., et al.*, Brief of Iowa and 19 Other States as Amici Curiae in Support Applicants, filed [3/28/25](#)]

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