No. 24A904

In the Supreme Court of the United States

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT, ET AL., APPLICANTS

v.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, ET AL.

REPLY IN SUPPORT OF APPLICATION TO STAY THE INJUNCTION ISSUED BY THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY

D. JOHN SAUER
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

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The district court granted a preliminary injunction forcing the government to reinstate 16,000 probationary employees because some members of respondents' non-profit organizations might benefit from some unspecified fraction of those employees' conducting tasks like processing "disaster relief," performing "natural resource monitoring," and protecting "recreational fishing activities." Opp. 18. The federal government must immediately re-employ all of those workers, despite agencies' judgments about what best serves their missions. Moreover, agencies would apparently "subvert the court's reinstatement order" if they decide to "assign probationary employees to entirely different tasks or projects" than they had before mid-February. Opp. 22. Courts do not have license to block federal workplace reforms at the behest of anyone who wishes to retain particular levels of general government services.

The injunction in this case plainly exceeded the district court's authority. The court should have dismissed the suit on standing grounds: respondents' asserted harms involve speculative, far-downstream consequences of terminating federal em-

ployees, but Article III requires plaintiffs to identify concrete injuries traceable to specific wrongful actions. The court should also have dismissed the suit for circumventing the exclusive processes Congress prescribed for challenging specific federal personnel actions: respondents collaterally challenge the legal basis for terminating these federal employees, but Congress requires the employees themselves, not nonprofits who are strangers to the employment relationship, to challenge individual terminations through the prescribed process under the Civil Service Reform Act of 1978 (CSRA). In addition, the district court vastly exceeded the permissible scope of relief: traditional equitable authority would not allow such reinstatements, much less of 16,000 employees, and the APA does not support preliminary injunctive relief here. Concerns about how federal workforce reductions might affect "services provided to the public and fragile ecosystems in national parks and other public lands" or hamper "burn pit exposure studies," Opp. 7-8, cannot support forcing the Executive Branch to rehire all 16,000 employees, no matter what their jobs involve.

If this suit could proceed, the process that Congress actually prescribed for challenging federal employees' terminations—suits under the CSRA on behalf of individual employees—would be largely superfluous. Employees would have little reason to bring their own suits via individual adjudications that culminate in Federal Circuit review. Nonprofits could always leapfrog that process, sue anywhere their members use any federal services, and demand reinstatement for everyone based on isolated downstream harms. This Court should not invite a new wave of litigation to micromanage federal employment, whereby the Executive Branch would cede its prerogatives to district courts that second-guess which personnel and job functions are essential.

A. The Government Is Likely To Succeed On The Merits

Multiple threshold barriers—standing, jurisdiction, and limits on equitable relief—should have precluded anything remotely resembling the district court's extraordinary injunction. Respondents pivot (Opp. 1, 16-17) to the merits, but nonprofits cannot wield longer bathroom wait times at national parks to obtain review of thousands of employment terminations outside the CSRA process.

1. ***Standing.*** Nonprofit organizations cannot establish Article III standing to litigate whether 16,000 probationary employees were properly terminated with scattershot speculation about how losing some of those employees might impair how some of the agencies perform a small subset of services.

As to the claims involving the VA and the Department of Defense, the district court relied solely on the theory that the organizations themselves suffer injury by having to divert organizational resources to counteract the effects of the agencies' actions. See Appl. 15-16; Opp. 20. Respondents rest (Opp. 19-21) that diversion-of-resources theory on *Havens Realty Corp.* v. *Coleman*, 455 U.S. 363 (1982). But this Court rejected that theory in *FDA* v. *Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024), explaining that it "has been careful not to extend the *Havens* holding beyond its context," and that an organization "cannot spend its way into standing simply by expending money to gather information and advocate against the defendant's action." *Id.* at 394, 396. Respondents maintain (Opp. 21) that they will divert *so many* resources as to "impede[] [their] ability to perform core business activities." But whether they spend a lot or a little, they cannot "spend [their] way into standing." *Alliance for Hippocratic Medicine*, 602 U.S. at 394.

As to the other agencies, respondents' other theory of standing—that their members want to use federal services that would likely be disrupted by probationary

employees' terminations—does not satisfy Article III either. Respondents complain (Opp. 18) that terminating thousands of probationary employees will translate into service disruptions and describe their anecdotal evidence as "voluminous." Missing, however, is any specific injury that members will face because of particular terminations at a particular agency. Respondents forecast injuries from "likely impairment of disaster relief," "likely failure to obtain timely loan guarantees," and "likely damage to sensitive ecological areas within national parks," Opp. 18—but "[a]llegations of *possible* future injury" do not suffice, let alone allegations that do not specify how many affected probationary employees perform the relevant functions and how many are left. *Clapper* v. *Amnesty Int'l USA, Inc.*, 568 U.S. 398, 409 (2013) (citation omitted). Respondents provided declarations opining that "a lack of [U.S.] Forest Service oversight of cattle grazing" could have adverse environmental effects, D. Ct. Doc. 70-18, ¶¶ 7-8, and asserting that Department of Agriculture grant programs for small businesses may be "less efficient" if federal employees who support grantees are terminated, D. Ct. Doc. 70-20, ¶ 4. Those are not concrete injuries.

Respondents also sidestep (Opp. 22) significant causation and redressability problems. Each of respondents' supposed injuries depends on a highly speculative, attenuated chain of causal inferences. They speculate that reinstating probationary employees might result in their resuming the same tasks the same way and might then improve federal services that some of their members might use. Even if isolated instances of diminished federal services qualified as injuries, they were not caused by the termination of all 16,000 probationary employees; the problems, if any, would be with respect to particular probationary employees involved in particular tasks. That cannot justify reinstatement of all 16,000 people.

Further, respondents apparently concede (Opp. 39) that appropriate relief in

this case would not prevent agencies from terminating employees for reasons other than OPM's instruction. That further illustrates respondents' failure to prove redressability because the judgment respondents seek would leave the agencies free to terminate the same number of employees, thereby inflicting all the same supposed downstream harms to federal services. See *Simon* v. *Eastern Kentucky Welfare Rts. Org.*, 426 U.S. 26, 42 (1976). The record here underscores the redressability problem: after OPM clarified its guidance pursuant to the TRO, each of the enjoined agencies persisted in its termination decisions. See Appl. 17; see also Appl. 9-10.[1]

Even if the agencies choose to retain the terminated employees, that "does not mean that they will return to the same positions and assignments, or that the agencies will provide the services that the organizational plaintiffs desire. The various agencies might well reassign these employees to new positions, or assign them different tasks, or prioritize their mission and services in a manner that does not result in increased services to the organizational plaintiffs." C.A. Order 6 (Mar. 26, 2025) (Bade, J., dissenting). Respondents dismiss those outcomes as "pure speculation," Opp. 22, yet their own theories of standing rely on even greater conjecture about whether the loss of probationary employees would reduce processing of student loans or scientific research.

If respondents' allegations can establish standing to challenge thousands of terminations, virtually any nonprofit could show standing to sue virtually any federal employment decision just by pointing to some speculative downstream consequence

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[1] Respondents suggest (Opp. 22) that the agencies' independent decision-making is irrelevant because respondents have "added [the agencies] as defendants" to this suit. But the key point is that, under the judgment respondents seek, the agencies remain free to terminate all the same employees. Cf. *Murthy* v. *Missouri*, 603 U.S. 43, 73 (2024) (finding a redressability problem because, even if plaintiffs prevail, "it appears that the platforms remain free to enforce, or not to enforce, [the injury-inflicting] policies—even those tainted by initial governmental coercion").

from some aspect of the termination. Nonprofits supporting the elderly could challenge terminations of administrative law judges on the theory that slower processing times for Social Security claims would reduce standards of living. Nonprofits representing travelers could challenge State Department terminations that might reduce passport and visa-processing times and cause canceled trips. That is not how Article III works. Respondents cannot paper over those flaws by invoking "deference" to the district court's findings of harm and causation, Opp. 19. See *Murthy* v. *Missouri*, 603 U.S. 43, 59 (2024) (giving no deference where lower courts failed to make "specific causation findings" as to particular acts and employed "a high level of generality").

2. ***Exclusive MSPB Review.*** Separately, the government is likely to succeed on the merits because the district court lacked jurisdiction to assess the legality of government personnel actions and to enter an injunction ordering reinstatement. See Appl. 19-21. Congress set out "a comprehensive system for reviewing personnel action taken against federal employees" in the CSRA, which deprives federal district courts of jurisdiction to repackage challenges to personnel actions as APA claims. See *United States* v. *Fausto*, 484 U.S. 439, 455 (1988).

Respondents contend that because they are "third parties—not federal employees or unions acting in a representative capacity"—and cannot sue under the CSRA, they must be permitted to go directly to court. Appl. 23 (citing *Thunder Basin Coal Co.* v. *Reich*, 510 U.S. 200 (1994)). But "it is the comprehensiveness of the statutory scheme involved, not the 'adequacy' of specific remedies" that precludes jurisdiction; accordingly, even where "the CSRA provides no relief," it "precludes other avenues of relief." *Graham* v. *Ashcroft*, 358 F.3d 931, 935 (D.C. Cir. 2004) (Roberts, J.) (citation omitted); see Appl. 20-21. The CSRA does not perversely prevent *employees* from going to court to raise claims or remedies that the CSRA precludes, while allowing

nonprofits who are strangers to the employment relationship to press for those same remedies in federal lawsuits outside the CSRA process.

In invoking *Thunder Basin*, respondents disregard that their suit seeks to undo specific personnel actions, and thus falls in the heartland of challenges that Congress wanted only the MSPB—and, eventually, the Federal Circuit—to resolve. See Second Am. Compl. 56, D. Ct. Doc. 90 (Mar. 11, 2025) (asking for relief including requiring applicants to "cease terminations of probationary employees" and to "rescind the prior unlawful terminations"). *Thunder Basin* does not help respondents because such claims, challenging "personnel action taken against federal employees," *Fausto*, 484 U.S. at 455, are "of the type Congress intended to be reviewed within [the CSRA's] statutory structure," *Axon Enter., Inc.* v. *FTC*, 598 U.S. 175, 186 (2023) (quoting *Thunder Basin*, 510 U.S. at 212). Nor can respondents distinguish *Fausto* as requiring "reconcil[ing] the CSRA with a prior statute." Opp. 26. The CSRA's comprehensive scheme is "exclusive," regardless of the nature of the challenge to the personnel action, including even as to a "constitutional challenge[]." *Elgin* v. *Department of the Treasury*, 567 U.S. 1, 13 (2012).

Respondents similarly insist (Opp. 23-26) that because APA review is available to challenge OPM actions, it must be available to challenge specific personnel actions. That is wrong: the MSPB exclusively handles that type of challenge and type of relief. See Appl. 19-21. Respondents cannot evade the CSRA by repackaging their suit as a challenge to "government-wide" actions, *e.g.*, Opp. 23. That attempt to challenge thousands of termination decisions in one swoop only aggravates the problems with circumventing the CSRA's individualized processes.

Respondents invoke (Opp. 2, 26-27) the government's complaint in *U.S. Department of Defense* v. *American Federation of Government Employees*, No. 25-cv-119

(W.D. Tex. filed March 27, 2025), which seeks to enforce an Executive Order relating to collective-bargaining agreements with unions. Respondents suggest that if a district court has jurisdiction over that action, a district court must have jurisdiction here. But there, the President—acting pursuant to statutory authority—exempted the relevant agencies' relations with unions from the CSRA altogether. See 5 U.S.C. 7103(b)(1) ("The President may issue an order excluding any agency or subdivision thereof from coverage under this chapter if the President" makes certain determinations). That express exemption takes the validity of those agencies' agreements with unions outside of the CSRA's comprehensive scheme. See 5 U.S.C. Pt. III, Subpt. F, Ch. 71. Here, nothing exempts the at-issue personnel actions from CSRA coverage. And respondents do not dispute that the employees challenging these same terminations must proceed through the CSRA scheme. Because the personnel decisions at issue here fall within the CSRA, they must be challenged only pursuant to the CSRA process—by actual employees, not bystanders like respondents.

At bottom, respondents posit an implausible and illogical scheme whereby Congress crafted an exclusive, reticulated framework requiring employees to litigate terminations in the MSPB and, eventually, the Federal Circuit, but left distant actors free to challenge those same employment actions in any regional circuit. That scheme would give nonprofits and anyone else indirectly affected by terminations "greater rights than were available under the CSRA to employees who enjoyed rights under that statute," by providing them remedies that may not be available to the employees themselves and by allowing them to proceed directly to court. *Graham*, 358 F.3d at 934. And that scheme would constantly risk conflicting decisions about the same specific personnel actions. District courts in California might agree with an advocacy group that an agency wrongly terminated a handful of people and order their rein-

statement, whereas the Federal Circuit might disagree in cases brought by the employees themselves. Worse still, plaintiffs of all stripes could challenge the same specific personnel actions in multiple regional circuits, as is happening as to these very personnel actions. See *Maryland* v. *U.S. Dep't of Agriculture*, No. 25-cv-748. Congress did not enact a circumscribed, "integrated" scheme of review in the CSRA just to let strangers to the employment relationship to pick and choose among legal theories, remedies, and forums outside that scheme. See *Elgin*, 567 U.S. at 14.

3. ***Reinstatement as a remedy.*** Preliminarily ordering reinstatement of 16,000 employees clearly exceeds the district court's remedial authority. See Appl. 21-25. Respondents' contrary account of traditional equitable practice lacks merit. For instance, respondents assert (Opp. 31) that this Court has rejected reinstatement as an equitable remedy only in cases involving state officials. But this Court has repeatedly recognized that courts of equity lack the power to reinstate even federal officials. See, *e.g.*, *Baker* v. *Carr*, 369 U.S. 186, 231 (1962) (recognizing that the Court has "withheld federal equity from staying [the] removal of a federal officer"); *White* v. *Berry*, 171 U.S. 366, 376 (1898) (stating, in a case involving the removal of a federal official, that "a court of equity ha[s] no jurisdiction over the appointment and removal of public officers"). The Court has explained that the no-reinstatement rule "reflect[s] * * * a traditional limit upon equity jurisdiction, and not upon federal courts' power to inquire into matters of state governmental organization." *Baker*, 369 U.S. at 231.

Respondents also cite (Opp. 30-31) *Vitarelli* v. *Seaton*, 359 U.S. 535 (1959), and *Sampson* v. *Murray*, 415 U.S. 61 (1974), but neither supports the availability of reinstatement. *Vitarelli* only "consider[ed] the validity of petitioner's discharge," not the propriety of reinstatement as an equitable remedy. 359 U.S. at 538; see *id.* at 536. And *Sampson* explained that "[t]he fact that Government personnel decisions are now

ultimately subject to * * * judicial review * * * does not, without more, create the authority to issue interim injunctive relief which was held lacking in cases such as *White*." 415 U.S. at 72. Even if an employee could ultimately be restored to his position under the applicable statutes, the Court required the employee, "at the very least," to satisfy a heightened standard to overcome the "factors cutting against the general available of preliminary injunctions in Government personnel cases." *Id.* at 84; see *id.* at 83-84. The Court in *Sampson* ultimately held that the fired probationary employee was *not* entitled to interim reinstatement. See *id.* at 91-92. In all events, *Vitarelli*, *Sampson*, and the lower-court cases that respondents cite (Opp. 31) were all brought by the affected employees themselves. Even if courts could reinstate a wrongfully fired employee at *the employee's* request, respondents cite no precedent for further departing from traditional equitable practice by allowing *unrelated third parties* to obtain such relief on the employee's behalf—much less en masse.

Respondents alternatively try to find other sources of reinstatement powers. They invoke (Opp. 27-28) the APA provision that directs courts to "set aside" unlawful agency action, 5 U.S.C. 706(2). Whatever "set aside" means, it does not mean reinstatement. Section 706(2) comes into play only at the end of a case, once a court definitively determines that agency action is "unlawful," 5 U.S.C. 706(2)—not at a preliminary stage, where a district court has determined only that the challenged agency action is *likely* unlawful. See *Lackey* v. *Stinnie*, 145 S. Ct. 659, 666-668 (2025) (emphasizing distinction between success versus likelihood of success on the merits). And Section 706(2) certainly does not authorize the remedy the district court issued—an injunction directing the federal government's conduct. See *Griffin* v. *HM Florida-ORL, LLC*, 144 S. Ct. 1, 2 & n.* (2023) (statement of Kavanaugh, J.) (distinguishing between vacating a rule and issuing an injunction). At most, the district court could

have "set aside" the OPM guidance it has deemed unlawful.

Respondents further rely (Opp. 28-29) on 5 U.S.C. 705, which empowers a court to issue "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." But Section 705 does not add a reinstatement power. Rather, this Court ordinarily presumes that Congress legislates against the backdrop of "traditional equity practice." *Hecht Co.* v. *Bowles*, 321 U.S. 321, 330 (1944). Moreover, Section 705 authorizes courts to grant "appropriate" relief, 5 U.S.C. 705, and statutes that empower courts to grant "appropriate" relief must be read to incorporate the rules of "traditional equitable practice." *Starbucks Corp.* v. *McKinney*, 602 U.S. 339, 347 (2024). Consistent with that analysis, Section 705 was originally understood to confer "an equitable power," to be exercised consistent with the "historic" rules "of equity jurisdiction." U.S. Department of Justice, *Attorney General's Manual on the Administrative Procedure Act* 106 (1947). Because reinstatement is inconsistent with traditional principles of equity, see Appl. 21-25, it is not "appropriate" relief under Section 705.

Finally, respondents argue (Opp. 32) that the underlying firings were themselves unlawful. That would not justify reinstatement as a remedy. "Like substantive federal law itself," "remedies" for violations of the law "must be created by Congress." *Alexander* v. *Sandoval*, 532 U.S. 275, 286 (2001). Absent statutory authorization, a remedy "does not exist and courts may not create one, no matter how desirable that might be as a policy matter, or how compatible with the statute." *Id.* at 286-287; see *Grupo Mexicano de Desarrollo S.A.* v. *Alliance Bond Fund, Inc.*, 527 U.S. 308, 332 (1999) ("[T]he equitable powers conferred by the Judiciary Act of 1789 did not include the power to create remedies previously unknown to equity jurisprudence.").

Regardless, respondents are wrong in contending that "[t]here is no real dis-

pute that OPM violated the law." Opp. 16 (some capitalization omitted). The government vigorously disputed below that OPM directed the challenged terminations. See Appl. App. 8a-9a. And the agencies have since decided to stand by those terminations after OPM, in compliance with the district court's TRO, clarified that OPM lacks, and is not exercising, authority to direct personnel actions at other agencies. Appl. 24-25. Respondents ask this Court to disregard those events, invoking the voluntary cessation doctrine. See Opp. 34-35. But those events illustrate the errors of the district court's ruling even if the case is not moot. See Appl. 25 n.1.

Because OPM never viewed itself as empowered to direct personnel actions, the government agreed that the TRO ordering *that* relief—*i.e.*, the rescission of OPM's January 20 memorandum and February 14 email—could be converted to a preliminary injunction. See D. Ct. Doc. 75, at 14 (Mar. 10, 2025). Instead, the district court summarily entered an entirely different preliminary injunction, ordering reinstatement of thousands of employees to full-duty status sufficient to restore government services for the benefit of respondents' members. *That* injunction, which was not the subject of briefing in district court, requires relief from this Court.[2]

B. The Other Factors Support Relief From The District Court's Order

1. Respondents dismiss the government's primary form of irreparable harm: the preliminary injunction severely encroaches on the Executive Branch's authority to direct its internal affairs and imposes enormous practical burdens. See Appl. 26-28. Respondents call those burdens "self-inflicted wounds." Opp. 37 (quoting *Second City Music, Inc.* v. *City of Chicago*, 333 F.3d 846, 850 (7th Cir. 2003)). But an injury is self-inflicted where an enjoined party has a readily available alternative

[2] Respondents invoke (Opp. 10) the fact that the parties anticipated the entry of *a* preliminary injunction, but fail to disclose that the contemplated injunction was one that would extend the TRO relief rather than order mass reinstatement.

that it declines to pursue. See *Second City Music*, 333 F.3d at 850 (explaining that the party remained free to "secure a readily available license" but declined to do so). Here, by contrast, the district court's injunction did not give the agencies any alternative to reinstatement of the terminated employees.

Respondents fault (Opp. 35) the government for "not even attempt[ing] to show irreparable harm" before the district court entered a preliminary injunction. But the government had no occasion to build a record about the harm from reinstating thousands of employees because respondents did not move for a TRO or preliminary injunction that included mass reinstatement. See p. 12 & n.2, *supra*. Further, respondents now contend (Opp. 37) that "returning employees to work" cannot cause irreparable harm because the "employees had the same workspaces, credentials, benefits, and training" a few weeks earlier. But the reinstatement remedy inflicts a burden given the intervening terminations: "full reinstatement" carries "the attendant tension with * * * superiors that the agency intended to avoid by dismiss[al]." *Sampson*, 415 U.S. at 75. Respondents disregard the events in the weeks before (and even after) reinstatement, reflecting substantial changes in staffing and policy priorities. Forcing a return to the staffing and work assignments that existed circa early February is a massive practical undertaking. And enjoining agencies from "assign[ing] probationary employees to entirely different tasks or projects" than they had before they were terminated, Opp. 22, aggravates the invasion of the Executive's prerogatives.

Respondents alternatively suggest (Opp. 39) that, despite the injunction, agencies "can terminate [their] employees in compliance with applicable law." If by that respondents mean that agencies may terminate all the affected employees as long as the agencies, not OPM, make those decisions, then respondents give away their case: that authority is all the government seeks (and is what the enjoined agencies did by

adhering to the terminations after OPM's March 4 clarification, before the mass reinstatement injunction at issue). See Appl. 24-25. But if respondents mean that agencies can terminate employees only after obtaining the district court's approval as to compliance with legal requirements, that creates an intolerable day-to-day situation. Agencies cannot manage themselves if they must get district court approval for each personnel action they take. See Appl. 27; D. Ct. Doc. 144-8, ¶ 12.

Respondents deny (Opp. 36) that reinstating employees to full-duty status inflicts harm over and above forced reinstatement to administrative leave. They note that some agencies returned employees to full-duty status, even though the district court's order in the *Maryland* litigation allowed reinstatement to administrative leave. But some agencies did so because the *injunction in this case* required them to do so. See Opp. 36-37 (citing declarations from the Departments of Defense, Treasury, and Energy, all defendants here). Some agencies subject only to the *Maryland* injunction chose to reinstate some employees to full-duty status—but others chose to reinstate some or all terminated employees to paid-administrative-leave status, illustrating the substantial additional harm inflicted by the injunction here, which denies agencies flexibility to choose among options. See, *e.g.*, D. Ct. Doc. 103-1, at 6-7, 14-15, *Maryland* v. *U.S. Dep't of Agriculture*, No. 25-cv-748 (D. Md. Mar. 25, 2025) (all employees); *id.* at 49-51 (some). Besides, an order to reinstate terminated employees to paid-administrative-leave status itself inflicts irreparable harm on the government, and the government has appealed the *Maryland* injunction.[3]

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[3] On April 1, 2025, the *Maryland* district court replaced its TRO with a preliminary injunction covering a broader group of agencies than did the TRO, including all six agencies subject to the injunction here. D. Ct. Docs. 125-126, *Maryland* v. *U.S. Dep't of Agriculture*, No. 25-cv-748 (D. Md. Apr. 1, 2025) (adding Department of Defense to the list of enjoined agencies). But it applies to a narrower set of employees than did the TRO, requiring reinstatement only of employees in the 19 plaintiff States and the District of Columbia. D. Ct. Doc. 126, ¶ 8a, *Maryland*, *supra* (D. Md. Apr. 1,

2. Meanwhile, respondents identify no real irreparable harm of their own. They never explain why their attenuated injuries—like slower review of Freedom of Information Act requests, reduced processing of grant applications, or reduced efforts in combatting environmental harm—are irreparable.

Respondents also barely address the elevated showing of irreparable injury required for a reinstatement remedy under *Sampson*, 415 U.S. at 83-84, arguing that the injunction here should be free from those requirements because it "sought to restore injured parties to the status quo," Opp. 39. That could be said in any case seeking reinstatement. In fact, in *Sampson* itself the plaintiff employee alleged that her termination was unlawful. 415 U.S. at 62-64. Respondents cannot make the "showing of irreparable injury" of the "kind and degree" *Sampson* requires before a court allows reinstatement of even a single government employee. *Id.* at 84. That failure illustrates the need for relief from the thousands of reinstatement orders encompassed by the district court's injunction in this case. See Appl. 23-24.

* * * * *

For the foregoing reasons and those stated in the government's application, this Court should stay the district court's preliminary injunction and issue an immediate administrative stay of the district court's order.

Respectfully submitted.

D. JOHN SAUER
Solicitor General

APRIL 2025

2025). The broader injunction here, which applies nationwide and requires reinstatement to full-duty status, continues to inflict irreparable harm on the government.