

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

DEC 23 2025

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

AMERICAN FEDERATION OF STATE,  
COUNTY & MUNICIPAL EMPLOYEES,  
AFL-CIO; et al.,

Plaintiffs - Appellees,

v.

UNITED STATES OFFICE OF  
MANAGEMENT AND BUDGET; et al.,

Defendants - Appellants.

No. 25-7998

D.C. No.

3:25-cv-08302-SI

Northern District of California,  
San Francisco

ORDER

Before: Michelle T. Friedland, Patrick J. Bumatay, and Anthony D. Johnstone,  
Circuit Judges.

The Government requests a partial administrative stay of the district court's order enjoining Defendant agencies from taking certain actions relating to reductions in force ("RIFs"). Specifically, the Government requests an administrative stay of subsection 3(d) of the district court's preliminary injunction issued December 17, 2025, which requires Defendant agencies to rescind the RIF notices and send notices to affected employees of the rescission by no later than December 23, 2025. Cir. R. 27-3 Certif., Dkt. 7 at 2.

An administrative stay is "only intended to preserve the status quo until the substantive motion for a stay pending appeal can be considered on the merits, and does not constitute in any way a decision as to the merits of the motion for stay

pending appeal.” *Doe #1 v. Trump*, 944 F.3d 1222, 1223 (9th Cir. 2019). While we consider this appeal, we grant the Government’s application for an administrative stay of subsection 3(d) of the preliminary injunction. We construe the remaining provisions of the preliminary injunction, which we do not administratively stay, as sufficient to ensure that those who received the RIF notices will be shielded from the effects of the challenged RIFs during the pendency of this appeal.

We expedite the briefing in this appeal, and we consolidate the briefing on the Government’s motion for a stay and on the merits of the preliminary injunction orders (issued October 28 and December 17, 2025). The opening consolidated brief is due December 31, 2025. The answering brief is due January 7, 2026. The optional reply brief is due January 9, 2026. Oral argument shall be held in person on January 15, 2026, at the Richard H. Chambers Courthouse in Pasadena, California, at a time to be set by further notice.