

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE, et al.,

Defendants.

No. 1:26-cv-13917

**PLAINTIFF STATES' MOTION FOR A TEMPORARY RESTRAINING ORDER,
EMERGENCY STAY, AND EXPEDITED PRELIMINARY INJUNCTION AND STAY**

Plaintiffs California, Massachusetts, Nevada, Washington, Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Wisconsin, and Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania ("Plaintiff States"), hereby respectfully move, pursuant to Federal Rule of Civil Procedure 65, 5 U.S.C. § 705, and Local Rule 7.1, for:

1. an immediate temporary restraining order and emergency stay of the United States Postal Service's ("USPS") final rule Ballot Mail for Federal Elections, 91 Fed. Reg. 54,966 (published Aug. 26, 2026) (codified at 39 C.F.R. pt. 111) ("Rule"); and
2. expedited briefing on a preliminary injunction and § 705 stay, followed by entry of the requested preliminary injunction and stay to restrain Defendants¹ from implementing or enforcing the Rule pending resolution of this case.

¹ Defendants are USPS; David Steiner, in his official capacity as Postmaster General, Chief Executive Officer of the Postal Service, and Member of the Postal Service Board of Governors; Doug Tulino, in his official capacity as Deputy Postmaster General, Chief Operating Officer and Chief Human Resources Officer of the Postal Service and Member of the Postal Service Board of Governors; Amber McReynolds, in her official capacity as Chair of the Postal Service Board of Governors; Derek Kan, in his official capacity as Vice Chairman of the Postal Service Board of Governors; Ronald Stroman, in his official capacity as a Member of the Postal Service Board of Governors; Daniel Tangherlini, in his official capacity as a Member of the Postal Service Board of Governors.

On August 26, 2026, USPS published the Rule,² implementing Section 3(b) of Executive Order No. 14399, *Citizenship Verification and Integrity in Federal Elections* (Mar. 31, 2026) (“EO”). The Rule has a stated effective date of August 21, 2026.

As described in Plaintiff States’ accompanying memorandum of law in support of this motion, a temporary restraining order, emergency stay of the Rule, and expedited proceedings to preliminarily enjoin and stay the Rule pending resolution on the merits are warranted to allow Plaintiff States’ election officials to administer upcoming elections unimpeded by the Rule’s unconstitutional and unlawful requirements.

Plaintiff States satisfy the requirements for temporary and preliminary injunctive relief and a stay under 5 U.S.C. § 705. First, Plaintiff States are likely to succeed on the merits of their claims because the Rule violates the horizontal and vertical separation of powers, commandeers Plaintiff States’ election officials to implement an unlawful federal program, exceeds Defendants’ statutory authority under Title 39 of the U.S. Code and transgresses specific prohibitions therein, is arbitrary and capricious and contrary to statute, and contravenes both the Voting Rights Act and the Privacy Act. Second, Plaintiff States are suffering and will continue to suffer immediate and irreparable harm if Defendants are allowed to implement the Rule as to Plaintiff States’ federal elections. The Rule forces Plaintiff States to upend their core activities in preparation for the rapidly approaching midterm elections and to divert their limited resources to implementing the Rule. Third, the balance of equities and public interest weigh in favor of a temporary restraining order and an emergency stay, followed by an expedited preliminary injunction and stay of the Rule’s effective date, to halt the Rule’s significant disruption of mail voting until this case can be resolved on the merits.

As set out in the certification below, Plaintiff States have provided oral and written notice to Defendants’ counsel of this motion and the relief requested herein. *See* Fed. R. Civ. P. 65(b).

Plaintiff States request that the Court exercise its discretion to waive the requirement to

² Although the Rule was published in the Federal Register on August 26, 2026, USPS made the Rule available for public inspection beginning on August 21, 2026.

post a bond under Federal Rule of Civil Procedure 65(c) because Defendants will not suffer any monetary loss on account of the relief sought. *Int'l Ass'n of Machinists v. E. Airlines, Inc.*, 925 F.2d 6, 9 (1st Cir. 1991) (“[T]here is ample authority for the proposition that the provisions of Rule 65(c) are not mandatory and that a district court retains substantial discretion to dictate the terms of an injunction bond.” (collecting cases)).

As further grounds in support of this Motion, Plaintiff States rely on the accompanying memorandum of law, declarations, and evidence filed in support of this motion.

To address the preliminary injunction and stay on an expedited basis, Plaintiff States request that the Court enter the following briefing and hearing schedule in conjunction with its temporary restraining order and emergency stay, as set forth in the attached proposed order:

- August 28, 2026: Defendants’ Opposition to Plaintiff States’ Motion for Preliminary Injunction and Stay.
- August 31, 2026: Plaintiff States’ Reply to Defendants’ Opposition.
- September 2, 2026, or as soon thereafter that the Court can accommodate: hearing on Plaintiff States’ Motion for a Preliminary Injunction and Stay.

This accelerated schedule is warranted by the importance of the issues; the fast-approaching election, including state law deadlines to mail ballots by as early as September 4, 2026 (N.C. Gen. Stat. § 163-227.10(a)); the gravity of the harms caused to Plaintiff States and their administration of elections—particularly the rapidly approaching November 2026 general election—and the likelihood of appellate review.

REQUEST FOR ORAL ARGUMENT SOLELY AS TO EXPEDITED MOTION FOR PRELIMINARY INJUNCTION AND STAY

Pursuant to Local Rule 7.1(d), Plaintiff States believe that oral argument related to their request for preliminary injunction and stay would assist the Court because this case concerns complicated and important issues affecting the public interest.

WHEREFORE, Plaintiff States respectfully request that the Court promptly enter a temporary restraining order and emergency stay to preserve the status quo and order an expedited

briefing and hearing schedule as set forth in the proposed order attached to this motion, and thereafter enter a preliminary injunction and stay of the Rule barring its implementation and enforcement during the remainder of these proceedings.

August 26, 2026

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**Admitted pro hac vice or pro hac vice applications forthcoming*

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that on August 25, 2026, at 5:00 p.m., counsel for Plaintiffs met and conferred with the following attorneys at the U.S. Department of Justice via videoconference to provide notice of this motion:

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Stephen M. Pezzi, Chief Litigation Counsel
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The above attorneys confirmed that they will represent Defendants in this case and stated that Defendants oppose this motion. Counsel for Defendants further requested that Plaintiffs note that Defendants propose the following schedule:

- Plaintiffs' TRO and/or PI Motions: August 26 at 11:59 PM
- Defendants' Oppositions: September 1 at 2 PM
- Plaintiffs' Replies: September 3 at 2 PM

August 26, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2026, I provided a copy of the foregoing document to counsel for the Defendants by email as follows:

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August 26, 2026

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE, et al.,

Defendants.

No. 1:26-cv-13917

**[PROPOSED] ORDER GRANTING IN PART AND RESERVING IN PART
PLAINTIFF STATES' MOTION FOR A TEMPORARY RESTRAINING ORDER,
EMERGENCY STAY, AND EXPEDITED PRELIMINARY INJUNCTION AND STAY**

This matter comes before the Court on the motion of plaintiffs California, Massachusetts, Nevada, Washington, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Wisconsin, and Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania ("Plaintiff States") for a temporary restraining order, emergency stay, and an expedited preliminary injunction and stay of the United States Postal Service's ("USPS") final rule, Ballot Mail for Federal Elections, 91 Fed. Reg. 54,966 (published Aug. 26, 2026) (codified at 39 C.F.R. pt. 111) ("Rule") pending resolution of this case.

Having reviewed Plaintiff States' complaint and the memorandum of law, declarations, and evidence filed in support of the motion, and any oppositions filed thereto, and in accordance with Federal Rule of Civil Procedure 65, Local Rule 7.1, and 5 U.S.C. § 705, the Court finds that Plaintiff States have satisfied the requirements for the issuance of a temporary restraining order and emergency stay because: (1) Plaintiff States are likely to succeed on the merits of their claims that the Rule is unconstitutional, contrary to statute, and ultra vires; (2) Plaintiff States will imminently suffer irreparable harm absent immediate injunctive relief because the Rule immediately disrupts and burdens their mail voting programs, imposes unrecoverable

administrative costs on Plaintiff States, and diverts critical resources away from ongoing preparations for the midterm elections; and (3) the balance of equities and public interest favor granting a temporary restraining order. Additionally, Plaintiff States provided notice to Defendants of the application for a temporary restraining order and emergency stay prior to filing on August 26, 2026. The Court also finds that because the injunction and emergency stay carry no risk of monetary loss to Defendants, a security payment is not required.

Accordingly, the Court hereby **GRANTS** Plaintiff States' motion for a temporary restraining order, emergency stay, and an expedited briefing schedule, and **RESERVES** the request for preliminary injunction and stay pending briefing and hearing as set out below. Defendants, their officers, agents, servants, and employees are hereby **ORDERED** as follows:

- (1) Defendants¹ are enjoined from implementing or enforcing the Rule, or otherwise taking any steps to condition the acceptance, transmission, or delivery of mail ballots on Plaintiff States' or their election officials' compliance with the Rule's requirements.
- (2) The effective date of the Rule is hereby stayed and postponed pursuant to 5 U.S.C. § 705.
- (3) Defendants must, in good faith, take such steps as are necessary to prevent implementation or enforcement of the Rule, and to cease any implementation or enforcement of its provisions.
- (4) Plaintiff States shall promptly serve this Order on Defendants electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2). Defendants shall file a status

¹ Defendants are USPS; David Steiner, in his official capacity as Postmaster General, Chief Executive Officer of the Postal Service, and Member of the Postal Service Board of Governors; Doug Tulino, in his official capacity as Deputy Postmaster General, Chief Operating Officer and Chief Human Resources Officer of the Postal Service and Member of the Postal Service Board of Governors; Amber McReynolds, in her official capacity as Chair of the Postal Service Board of Governors; Derek Kan, in his official capacity as Vice Chairman of the Postal Service Board of Governors; Ronald Stroman, in his official capacity as a Member of the Postal Service Board of Governors; Daniel Tangherlini, in his official capacity as a Member of the Postal Service Board of Governors.

report with the Court within 24 hours of such service confirming their compliance with the Court's Order; and

- (5) Defendants' counsel must, within 24 hours after receiving service of this Order: (i) provide written notice of this Order to Defendants and their employees; (ii) notify all recipients that they are required to comply with this Order, under penalty of contempt; and (iii) file on the docket a copy of the notice and/or communications referred to in (i)-(ii).

It is **FURTHER ORDERED** that the Court adopts an expedited briefing schedule on Plaintiff States' request for a preliminary injunction and stay of the Rule pending resolution of this case on the merits, in accordance with Local Rule 7.1(b)(2). The parties shall file their briefing according to the following schedule:

- Defendants' Opposition to Plaintiff States' Motion for Preliminary Injunction and Stay is due on Friday, August 28, 2026.
- Plaintiff States' Reply to Defendants Opposition is due on Monday, August 31, 2026.

It is **FURTHER ORDERED** that a hearing on Plaintiff States' Motion for a Preliminary Injunction and Stay is set for Wednesday, September 2, 2026.

This Order shall remain in effect for fourteen days unless vacated, modified, or extended by the Court.

SO ORDERED this _____ day of _____, 2026 at _____.

By: _____
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE, et al.,

Defendants.

No. 1:26-cv-13917

**[PROPOSED] ORDER GRANTING PLAINTIFF STATES’
MOTION FOR A PRELIMINARY INJUNCTION AND STAY**

This matter comes before the Court on the motion of plaintiffs California, Massachusetts, Nevada, Washington, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Hawai‘i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Wisconsin, and Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania (“Plaintiff States”) for a preliminary injunction and stay of the United States Postal Service’s (“USPS”) final rule Ballot Mail for Federal Elections, 91 Fed. Reg. 54,966 (published Aug. 26, 2026) (codified at 39 C.F.R. pt. 111) (“Rule”) pending resolution of this case.

Having reviewed Plaintiff States’ complaint and the memorandum of law, declarations, and evidence filed in support of the motion, and any oppositions filed thereto, and in accordance with Federal Rule of Civil Procedure 65, Local Rule 7.1, and 5 U.S.C. § 705, the Court finds that Plaintiff States have satisfied the requirements for the issuance of a preliminary injunction and stay because: (1) Plaintiff States are likely to succeed on the merits of their claims that the Rule is unconstitutional, contrary to statute, and ultra vires; (2) Plaintiff States will imminently suffer irreparable harm absent injunctive relief because the Rule immediately disrupts and burdens their mail voting programs, imposes unrecoverable administrative costs on Plaintiff States, and diverts critical resources away from ongoing preparations for the midterm elections; and (3) the balance

of equities and public interest favor granting a preliminary injunction and stay. The Court also finds that because the injunction and stay carry no risk of monetary loss to Defendants, a security payment is not required.

Accordingly, the Court hereby **GRANTS** Plaintiff States' motion for a preliminary injunction and stay as set out below. Defendants, their officers, agents, servants, and employees are hereby **ORDERED** as follows:

- (1) Defendants¹ are enjoined from implementing or enforcing the Rule, or otherwise taking any steps to condition the acceptance, transmission, or delivery of mail ballots on Plaintiff States' or their election officials' compliance with the Rule's requirements.
- (2) The effective date of the Rule is hereby stayed and postponed pursuant to 5 U.S.C. § 705.
- (3) Defendants must, in good faith, take such steps as are necessary to prevent implementation or enforcement of the Rule, and to cease any implementation or enforcement of its provisions.
- (4) Defendants shall file a status report with the Court within 24 hours of confirming their compliance with the Court's Order; and
- (5) Defendants' counsel must, within 24 hours after receiving service of this Order: (i) provide written notice of this Order to Defendants and their employees; (ii) notify all recipients that they are required to comply with this Order, under penalty of

¹ Defendants are USPS; David Steiner, in his official capacity as Postmaster General, Chief Executive Officer of the Postal Service, and Member of the Postal Service Board of Governors; Doug Tulino, in his official capacity as Deputy Postmaster General, Chief Operating Officer and Chief Human Resources Officer of the Postal Service and Member of the Postal Service Board of Governors; Amber McReynolds, in her official capacity as Chair of the Postal Service Board of Governors; Derek Kan, in his official capacity as Vice Chairman of the Postal Service Board of Governors; Ronald Stroman, in his official capacity as a Member of the Postal Service Board of Governors; Daniel Tangherlini, in his official capacity as a Member of the Postal Service Board of Governors.

contempt; and (iii) file on the docket a copy of the notice and/or communications referred to in (i)-(ii).

SO ORDERED this _____ day of _____, 2026

By: _____
United States District Judge