

No. 25-899

IN THE

Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
Petitioners,

—v.—

O. DOE, ET AL.,
Respondents.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
Petitioners,

—v.—

NEW HAMPSHIRE INDONESIAN COMMUNITY SUPPORT, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

MEMORANDUM FOR RESPONDENTS

Omar C. Jadwat
Grace Choi
Lee Gelernt
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004

SangYeob Kim
Gilles R. Bissonnette
Henry R. Klementowicz
Chelsea Eddy
Caroline Meade
AMERICAN CIVIL LIBERTIES
UNION OF NEW HAMPSHIRE
18 Low Avenue
Concord, NH 03301

Cody Wofsy
Counsel of Record
Cecillia D. Wang
Hannah Schoen Steinberg
Evelyn R. Danforth-Scott
Spencer Amdur
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104
(212) 549-2500
cwofsy@aclu.org
Kimberly Wei Leung
Winifred Kao
ASIAN LAW CAUCUS
55 Columbus Avenue
San Francisco, CA 94111

(Additional Counsel Listed on Inside Cover)

Morenike Fajana
Ashley Burrell
Elizabeth Caldwell
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, NY 10006

Morgan Humphrey
Mide Odunsi
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th Street NW, Suite 600
Washington, DC 20005

Carol Garvan
Zachary L. Heiden
AMERICAN CIVIL LIBERTIES
UNION OF MAINE FOUNDATION
P.O. Box 7860
Portland, ME 04112

Norm Eisen
Tianna Mays
Taryn Wilgus Null
DEMOCRACY DEFENDERS FUND
600 Pennsylvania Avenue SE,
#15180
Washington, DC 20003

Lucia Goin
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
915 15th Street NW
Washington, DC 20005

Adriana Lafaille
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF
MASSACHUSETTS, INC.
One Center Plaza, Suite 850
Boston, MA 02108

*Counsel for Respondents New Hampshire Indonesian Community
Support, Make the Road New York, and
League of United Latin American Citizens*

MEMORANDUM FOR RESPONDENTS

In the opinion below, the First Circuit held that Executive Order No. 14,160, 90 Fed. Reg. 8449 (Jan. 29, 2025), violates the Fourteenth Amendment and 8 U.S.C. § 1401(a), which guarantee citizenship to those “born . . . in the United States” and “subject to the jurisdiction thereof.” As the government recognizes, Pet. at 4, this Court is poised to address the legality of the same Executive Order this Term in *Trump v. Barbara*, cert. granted, No. 25-365 (Dec. 5, 2025).

Respondents agree the resolution of *Barbara* is likely to affect the proper resolution of this case. They thus agree that the Court should hold the petition for a writ of certiorari in this case pending the resolution of *Barbara* and then dispose of the instant petition as appropriate.¹

February 27, 2026

Omar C. Jadwat
Grace Choi
Lee Gelernt
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street
18th Floor
New York, NY 10004

Respectfully submitted,

Cody Wofsy
Counsel of Record
Cecillia D. Wang
Hannah Schoen Steinberg
Evelyn R. Danforth-Scott
Spencer Amdur
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
425 California Street
Suite 700
San Francisco, CA 94104
(212) 549-2500
cwofsy@aclu.org

¹ Respondents waive any further response to the petition for a writ of certiorari unless this Court requests otherwise.

SangYeob Kim
Gilles R. Bissonnette
Henry R. Klementowicz
Chelsea Eddy
Caroline Meade
AMERICAN CIVIL LIBERTIES
UNION OF NEW HAMPSHIRE
18 Low Avenue
Concord, NH 03301
Morenike Fajana
Ashley Burrell
Elizabeth Caldwell
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector Street
5th Floor
New York, NY 10006
Morgan Humphrey
Mide Odunsi
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th Street NW
Suite 600
Washington, DC 20005
Carol Garvan
Zachary L. Heiden
AMERICAN CIVIL LIBERTIES
UNION OF MAINE
FOUNDATION
P.O. Box 7860
Portland, ME 04112

Kimberly Wei Leung
Winifred Kao
ASIAN LAW CAUCUS
55 Columbus Avenue
San Francisco, CA 94111
Norm Eisen
Tianna Mays
Taryn Wilgus Null
DEMOCRACY DEFENDERS
FUND
600 Pennsylvania Avenue
SE, #15180
Washington, DC 20003
Lucia Goin
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
915 15th Street NW
Washington, DC 20005
Adriana Lafaille
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF
MASSACHUSETTS, INC.
One Center Plaza
Suite 850
Boston, MA 02108

*Counsel for Respondents New Hampshire Indonesian
Community Support, Make the Road New York, and
League of United Latin American Citizens*