No. 25A312

In the Supreme Court of the United States

DONALD J. TRUMP,
President of the United States, et al.,
Applicants,

v.

LISA D. COOK,
Respondent.

BRIEF OF *AMICI CURIAE* FLORIDA, 21 OTHER STATES, AND THE ARIZONA LEGISLATURE IN SUPPORT OF APPLICANTS

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INTEREST OF *AMICI CURIAE*

Pursuant to Supreme Court Rule 37, the Attorney General of Florida—on behalf of the State of Florida; 21 other States, listed below at page 17; and the Arizona Legislature—respectfully submits this brief as *amici curiae* in support of the stay applicants. *Amici* have an interest in ensuring that federal officials exercising significant executive authority are removable by the President, and thus democratically accountable to the people. Anything less is inconsistent with the Framers' design and risks intrusion on state sovereignty.

SUMMARY OF ARGUMENT

As the government explains, the court of appeals erred on the merits. *See* Stay App. 19–31. But in granting a preliminary injunction, the court also erred on the remedy. It affirmed "an injunction directing [Chairman] Powell and the Board of Governors to allow Cook to continue to operate as a member of the Board for the pendency of this litigation." Stay App. App'x 72a. The district court lacked this authority. Federal courts cannot use their equitable powers to remedy unlawful removals absent an act of Congress. *See, e.g.*, 42 U.S.C. § 2000e-5(g) (authorizing courts to "reinstate[]" employees who suffer discrimination). No statute authorizes injunctive relief here. To the contrary, Congress has channeled right-to-office claims into the quo warranto process, D.C. Code § 16-3501 *et seq.*, which affords "the exclusive remedy" for "direct[ly] attack[ing]" one's removal, *Andrade v. Lauer*, 729 F.2d 1475, 1497 (D.C. Cir. 1984). Cook ignored this remedy. This Court should therefore grant the government's stay application.

ARGUMENT

"To obtain a stay pending the filing and disposition of a petition for a writ of certiorari, an applicant must show (1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result from the denial of a stay." *Hollingsworth* v. *Perry*, 558 U.S. 183, 190 (2010) (per curiam). "In close cases the Circuit Justice or the Court will balance the equities and weigh the relative harms to the applicant and to the respondent." *Id.* The government's stay application meets this standard.

I. The government's contention that Cook is not entitled to reinstatement is both meritorious and cert-worthy.

Even if her removal were unlawful, which it is not, Cook would not be entitled to reinstatement as a member of the Federal Reserve Board. First, she did not seek a writ of quo warranto under the D.C. Code, the exclusive remedial process for removed officials. Second, courts sitting in equity have historically lacked the power to reinstate a public official.

A. Cook did not invoke the exclusive avenue for challenging a federal officer's removal: the quo warranto process.

Congress may "foreclose" freestanding legal avenues for relief and instead channel legal challenges through a statutory enforcement scheme. *Armstrong v. Exceptional Child Ctr.*, 575 U.S. 320, 328–29 (2015); *see Middlesex Cnty. Sewerage Auth. v. Nat'l Sea Clammers Ass'n*, 453 U.S. 1, 19–20 (1981). To express such an "intent," *Armstrong*, 575 U.S. at 328, Congress typically codifies a "comprehensive" enforcement and "remedial scheme" for a given context, *Nw. Airlines, Inc. v. Transp. Workers*

Union of America, AFL-CIO, 451 U.S. 77, 93–94 (1981). In *Sea Clammers*, for instance, this Court determined that two federal environmental laws were "elaborate enforcement provisions" sufficient to foreclose alternative enforcement through other causes of action. 453 U.S. at 13–15. Those federal laws "conferr[ed] authority to sue . . . both on government officials and private citizens" for violations of those laws, and "specified procedures" and available remedies. *Id.* at 13–14. Given that "comprehensive enforcement scheme," this Court concluded that Congress "must be chary" in allowing other means of enforcement—even other express causes of action like 42 U.S.C. § 1983. *Id.* at 14–15, 20.

Congress has similarly erected a broad remedial scheme for federal officers challenging their removals: the D.C. Code's quo warranto process. *See* D.C. Code § 16-3501 *et seq.*

Historically, the writ of quo warranto was the exclusive process for clearing one's title to office. *Delgado v. Chavez*, 140 U.S. 586, 590 (1891) ("[Q]uo warranto is a plain, speedy, and adequate, as well as the recognized, remedy for trying the title to office[.]"). That writ derived from ancient England and was used by "the king, against one who usurped or claimed any office, franchise or liberty of the crown, to inquire" into whether that individual had the right to exercise that office, franchise, or liberty. James L. High, *Extraordinary Legal Remedies* §§ 591–92 (1896) (quo warranto literally means "by what right"). The king's attorney general "prosecuted" the suit, *id.* § 603, though eventually private individuals were able to use the writ to litigate their own disputes over title to office and "quiet the possession" of that office, *id.* § 602.

Congress built upon that common law in enacting the modern quo warranto framework. *See* Pub. L. No. 88-241, § 1, 77 Stat. 602 (1963). The result is a reticulated process for a removed federal officer to challenge his or her removal. *See Andrade v. Lauer*, 729 F.2d 1475, 1497–98 (D.C. Cir. 1984). The Code describes what situations are covered: where a person "usurps, intrudes into, or unlawfully holds or exercises" a federal office. D.C. Code § 16-3501. It provides how the law is enforced: a "civil action" against the intruder, *id.*, with rules for pleading, *id.* §§ 16-3541, 16-3544, and "notice" to the alleged intruder, *id.* § 16-3542. And it tells litigants where to sue: in "the United States District Court for the District of Columbia." *Id.* § 16-3501.

The Code also dictates who may enforce the provisions: usually, the Attorney General or a United States attorney. *Id.* §§ 16-3502, 3503. But "[i]f the Attorney General or United States attorney refuses" to sue, an "interested person may apply to the court" to proceed anyway. *Id.* § 16-3503; *see also Newman v. United States ex rel. Frizzell*, 238 U.S. 537, 544, 550–51 (1915) (explaining that the Code "gives a person who has been unlawfully ousted before his term expired, a right, on proof of interest, to the issuance of the writ").

Last, as critical here, the Code outlines the available remedies. If the district court issues a writ of quo warranto, it must "oust[] and exclude[]" the intruder from office and allow "the relator [to] recover his costs" from the litigation. D.C. Code § 16-3545. And the Code authorizes compensatory damages, permitting the "relator" to sue "the party ousted and recover the damages sustained by the relator" after obtaining judgment in the initial quo warranto case. *Id.* § 16-3548.

"Given the painstaking detail with which the [D.C. Code] sets out the method" for challenging a removal, one must conclude that "Congress intended" the Code to be the "exclusive" process for testing one's title to office. *Elgin v. Dep't of Treasury*, 567 U.S. 1, 11–13 (2012). Yet Cook did not so much as mention "quo warranto" in her complaint, let alone invoke the D.C. Code's quo warranto process or allege facts showing that she has complied with its procedural requirements. *See Cook v. Bessent*, No. 1:25-cv-02903, Complaint (D.D.C. Aug. 28, 2025), ECF No. 1.

One way or another, the Code does not permit the reinstatement Cook seeks. It authorizes just three remedies for federal officers challenging their removals: (1) legal "oust[er]" of the "intrude[r]," (2) physical "exclu[sion]" of the intruder from the office, and (3) "damages" for the removed official. D.C. Code §§ 16-3545, 3548. Nowhere does the Code authorize reinstatement, either through an injunction or a writ of mandamus. *See Transam. Mortg. Advisors, Inc. v. Lewis*, 444 U.S. 11, 19 (1979) (explaining that a statute that "expressly provides a particular remedy or remedies" typically excludes other remedies). That silence is deafening here, seeing that Congress *did* authorize reinstatement in the Code for quo warranto proceedings involving D.C.-based corporations. *See* D.C. Code §§ 16-3547 ("[T]he court may render judgment . . . that the relator, if entitled to be declared elected, be admitted to the office."), 16-3546 (authorizing the court to "perpetually restrain[] and enjoin[] [defendants] from the commission or continuance of the acts complained of"). "When Congress includes particular language in one section of a statute but omits it from a neighbor, we normally understand that difference in language to convey a difference in

meaning." *Bittner v. United States*, 143 S. Ct. 713, 720 (2023). Here, the difference is that Congress permitted reinstatement for *corporate* officers but left to the President the power to reinstate *federal* officers. *Cf. Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991) ("[T]he character of those who [may] exercise government authority" "is a decision of the most fundamental sort for a sovereign entity[.]").

In sum, Cook failed to travel under the D.C. Code—Congress's chosen mechanism for adjudicating federal-officer removals. Nor in any event would the Code authorize the relief she seeks. For either reason, the Court should stay the district court's reinstatement order.

B. Even if Cook could seek relief outside of the quo warranto process, the federal courts cannot grant her requested relief.

The government's challenge to the judgment below is also meritorious and certworthy because courts sitting in equity have never been empowered to reinstate public officials. Cook cannot dodge that limitation by requesting a declaration or a writ of mandamus.

1. Historically, equity courts would not remedy allegedly unlawful removals.

"The remedial powers of an equity court . . . are not unlimited." *Whitcomb v. Chavis*, 403 U.S. 124, 161 (1971). Federal courts may issue only equitable remedies "traditionally accorded by courts of equity." *Bessent v. Dellinger*, 145 S. Ct. 515, 517 (2025) (Gorsuch, J., joined by Alito, J., dissenting) (quoting *Grupo Mexicano de Desarrollo S.A. v. All. Bond Fund, Inc.*, 527 U.S. 308, 319 (1999)). And history teaches that "[a] court of equity has no jurisdiction over the appointment and removal of public officers." *Walton v. House of Representatives of Okla.*, 265 U.S. 487, 490 (1924);

Dellinger, 145 S. Ct. at 517 (Gorsuch, J., dissenting) (finding it "well settled that a court of equity has no jurisdiction over the appointment and removal of public officers" (quoting *In re Sawyer*, 124 U.S. 200, 212 (1888)).

That rule flows from English common law. Recognizing the critical "distinction between judicial and political power," English courts would not wield equity to vindicate a litigant's "political right[]" to office. *Georgia v. Stanton*, 73 U.S. (6 Wall.) 50, 71, 76 & n.20 (1867) (collecting cases); *see Sawyer*, 124 U.S. at 212 (collecting cases, including *Attorney General v. Earl of Clarendon*, 17 Ves. Jr. 491, 498, 34 Eng. Rep. 190, 193 (Ch. 1810)). In *Earl of Clarendon*, for instance, the English Court of Chancery declined to remove public-school officers for lack of necessary legal qualifications. 34 Eng. Rep. at 191. According to that court, a court of equity "has no jurisdiction with regard either to the election or the [removal] of" officers. *Id.* at 193. Contemporary English cases agreed. *See* Joseph Story, *Commentaries on Equity Pleadings and the Incidents Thereof* §§ 467–70 (2d ed. 1840) (explaining that equity courts would not adjudicate rights of a "political nature"); Seth Davis, *Empire in Equity*, 97 Notre Dame L. Rev. 1985, 2011–12 (2022).[1]

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[1] Although *Earl of Clarendon* and some cases cited in *Sawyer* involved corporate officers, those legal entities were treated more like governments and public entities. Colonial governments, for example, were created through corporate charters, with "shareholders" acting like modern-day voters and voting for corporate boards that looked like modern-day state and local governments. Nikolas Bowie, *Why the Constitution Was Written Down*, 71 Stan. L. Rev. 1397, 1416–21 (2018); *see also* Letter from John Adams to the Inhabitants of the Colony of Massachusetts-Bay, Apr. 1775, https://founders.archives.gov/documents/Adams/06-02-02-0072-0015. And as noted in *Hagner v. Heyberger*, limits on equitable jurisdiction that applied to "private corporations" apply "*à fortiori*" to "public officer[s] of a municipal character." 7 Watts & Serg. 104, 105

American courts imported that principle after the Framing. In the early 19th century, courts nationwide denied equitable relief to removed officials, even when the official's ouster was illegal and unauthorized. *Tappan v. Gray*, 9 Paige Ch. 506, 508–09 (Ch. Ct. N.Y. 1842); *see also Hagner*, 7 Watts & Serg. at 105; *Sawyer*, 124 U.S. at 212 (collecting cases). *Hagner* is emblematic. There, the Supreme Court of Pennsylvania declined to enjoin a defendant from unlawfully acting as a school director because it possessed no more power than "an English court of chancery." *Hagner*, 7 Watts & Serg. at 106–07. Because chancery courts traditionally "would not sustain the injunction proceeding to try the election or [removal] of corporators of any description," Pennsylvania's high court held that it could not either. *Id.* Other courts took a similar tack throughout Reconstruction.[2]

This Court confirmed that equitable constraint in *Sawyer*. A locally elected officer there obtained a federal injunction barring local officials from removing him. 124 U.S. at 204–06. After the local officials were held in contempt of that injunction, the Court issued a writ of habeas corpus to vacate their convictions because the injunction was issued without jurisdiction. This Court explained that a federal equity

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(Penn. 1844); *see also* W.S. Holdsworth, *English Corporation Law in the 16th and 17th Centuries*, 31 Yale L.J. 382, 383–84 (1922) (For both public and private corporations, "creation by and subordination to the state are the only terms upon which the existence of large associations of men can be safely allowed to lead an active life.").

[2] *See, e.g.*, *Cochran v. McCleary*, 22 Iowa 75, 91 (1867) ("The right to a public office or franchise cannot, as the authorities above cited show, be determined in equity."); *Delahanty v. Warner*, 75 Ill. 185, 186 (1874) (similar); *Sheridan v. Colvin*, 78 Ill. 237, 247 (1875) (similar); *Beebe v. Robinson*, 52 Ala. 66, 73 (1875) (similar); *Taylor v. Kercheval*, 82 F. 497, 499 (C.C.D. Ind. 1897) (similar); *State ex rel. McCaffery v. Aloe*, 54 S.W. 494, 496 (Mo. 1899) (similar).

court "has no jurisdiction . . . over the appointment and removal of public officials." *Id.* at 210.[3] A wall of contemporary treatises echoed that understanding.[4] As one 19th-century commentator put it, "[n]o principle of the law of injunctions" "is more definitely fixed or more clearly established than that courts of equity will not interfere by injunction to determine questions concerning the appointment of public officers or their title to office." 2 James L. High, *Treatise on the Law of Injunctions* § 1312 (2d ed. 1880).

By contrast, there is no established tradition of equity courts' remedying unlawful removals, at least not without express statutory authorization. *See Dellinger*, 145 S. Ct. at 517 (Gorsuch, J., dissenting) ("'No English case' involved 'a bill for an injunction to restrain the appointment or removal of a municipal officer.'" (quoting *Sawyer*, 124 U.S. at 212)). We know of only two cases[5] in which a federal court sitting in equity reinstated a removed officer, all of which were decided in the later 20th century, and none of which grappled with limits on federal remedial power. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 91 (1998) ("[D]rive-by" rulings have "no precedential effect."). The lack of historical pedigree for removal-related remedies

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[3] *See also White v. Berry*, 171 U.S. 366, 377 (1898); *Walton*, 265 U.S. at 490; *Baker v. Carr*, 369 U.S. 186, 231 (1962).

[4] *See* 2 James L. High, *Treatise on the Law of Injunctions* § 1312 (2d ed. 1880); 1 Howard Clifford Joyce, *A Treatise on the Law Relating to Injunctions* § 55 (1909); 4 John Norton Pomeroy, *A Treatise on Equity Jurisprudence* § 1760 (4th ed. 1918); 2 Eugene McQuillin, *A Treatise on the Law of Municipal Corporations* § 582 n.98 (1911).

[5] *Berry v. Reagan*, No. 83-3182, 1983 WL 538 (D.D.C. Nov. 14, 1983), *vacated as moot*, 732 F.2d 949 (D.C. Cir. 1983); *Vitarelli v. Seaton*, 359 U.S. 535 (1959).

proves that they were "unknown to traditional equity practice." *Grupo Mexicano*, 527 U.S. at 327.

The absence of a historical equitable remedy is confirmed by the presence of a historical *legal* remedy: the writ of quo warranto. "[T]he exclusive remedy" for "direct[ly] attack[ing]" one's removal has traditionally been "a *quo warranto* action." *Andrade*, 729 F.2d at 1497; *see also Johnson v. Horton*, 63 F.2d 950, 953 (9th Cir. 1933) (agreeing with appellees that "the question of the title to the office cannot be tried by a proceeding in equity, but that the exclusive remedy is by a writ of quo warranto" (quotation omitted)). And because a "court of equity will not entertain a case for relief where the complainant has an adequate legal remedy," quo warranto undercuts any "novel equitable power to return an agency head to his office." *Dellinger*, 145 S. Ct. at 517 (Gorsuch, J., dissenting) (quoting *Case v. Beauregard*, 101 U.S. 688, 690 (1880)).

2. A declaratory judgment is unavailable because it too is a form of equitable relief.

Those same considerations foreclose declaratory relief. "[D]eclaratory judgment[s]," after all, are a "form[] of equitable relief." *Eccles v. Peoples Bank*, 333 U.S. 426, 431 (1948); *accord Abbott Lab'ies v. Gardner*, 387 U.S. 136, 155 (1967) (holding that "[t]he declaratory judgment and injunctive remedies are equitable in nature"). Congress, as well as this Court, has adopted that view. *See* 15 U.S.C. § 2805(b)(1) (stating that "the court shall grant such equitable relief as the court determines is necessary . . . including declaratory judgment"); 8 U.S.C. § 1252(e)(1) (prohibiting "declaratory, injunctive, or other equitable relief" in certain circumstances).

This rule makes sense. A declaration "has virtually the same practical impact as a formal injunction would," *Samuels v. Mackel*, 401 U.S. 66, 72 (1971), such that "equitable principles relevant to the propriety of an injunction must be taken into consideration by federal district courts in determining whether to issue a declaratory judgment," *id.* at 73. In enacting the Declaratory Judgment Act, "Congress . . . explicitly contemplated that the courts would decide to grant or withhold declaratory relief on the basis of traditional equitable principles." *Id.* at 70. A declaratory judgment is therefore "not available when," as here, "the result would be a partial end run around" other equitable precedents. *Green v. Mansour*, 474 U.S. 64, 73 (1985).

3. Cook has not shown a clear legal right to obtain mandamus.

Although neither the district court nor the court of appeals addressed the issue, Cook also sought a writ of mandamus in her complaint. *Cook*, No. 1:25-cv-02903, ECF No. 1. The courts below did well to ignore this alternative request for relief, for Congress has displaced any use of mandamus to reinstate federal officers through the quo warranto statute. *See supra* Part I. And even if federal courts could use mandamus to reinstate officers, mandamus could issue only if the defendant had shirked a "clear" legal duty, and the duties implicated here are far from clear. *Heckler v. Ringer*, 466 U.S. 602, 615–16 (1984).

For starters, it is still uncertain whether Cook holds legitimate title to office, and she cannot establish that title for the first time in a mandamus proceeding. Rather, Cook must first settle the cloud over her title through the quo warranto process. *See, e.g.*, *People ex rel. Arcularius v. City of New York*, 3 Johns. Cas. 79, 79–80 (N.Y.

Sup. Ct. 1802) ("The proper remedy, in the first instance, is by an information in the nature of a quo warranto, by which the rights of the parties may be tried."); High, *Extraordinary Legal Remedies* § 49. Only then is her title sufficiently "clear" to justify reinstatement through mandamus. *Heckler*, 466 U.S. at 615–16.

That two-step process has stood for centuries. Courts used mandamus to "compel" only "clear and specific dut[ies]" that were "positively required by law." High, *Extraordinary Legal Remedies* § 24. Yet at common law, "the only efficacious and specific" way to clear up one's "title to an office" was through the writ of quo warranto. *Id.* § 49; *see also Delgado*, 140 U.S. at 590; *State v. Otis*, 230 P. 414, 458 (Wash. 1924) ("The petition here shows that the title to an office is involved, and that is a question which may arise just as well where there is only one person asserting title as where there are two."); *People ex rel. Dolan v. Lane*, 55 N.Y. 217, 219 (1873) ("Indeed, it is doubtful whether the title to an office ought ever to be tried collaterally on proceedings by mandamus instituted in behalf of a party out of possession."). Until quo warranto issued to clarify one's title to office, disputes over title precluded the clarity necessary for reinstatement through mandamus. *See French v. Cowan*, 10 A. 335, 339–40 (Me. 1887).

For that reason, the common law developed a two-step process for a removed officer seeking to oust an intruder and obtain reinstatement. First, officers would resolve clouds on their title through quo warranto: By "*quo warranto*," the courts

would "test the title to the office." *Id.* at 340.[6] Then, the aggrieved official would seek mandamus if the executive refused to restore her to her office: "[B]y *mandamus* the legal officer is put in his place." *Id.*; *see also Chi. Sch. Finance Auth. v. City Council of City of Chi.*, 472 N.E.2d 805, 808 (Ill. 1984) (refusing to issue writ of mandamus because the court had "confidence that the city council will perform its [legal] duty"); *Murray v. Lewis*, 576 So. 2d 264, 267 (Fla. 1990) (similar). Congress presumptively incorporated the same limitations into the modern mandamus framework. *See Kirtsaeng v. John Wiley & Sons, Inc.*, 568 U.S. 519, 538 (2013) (Congress legislates against the backdrop of common law); *see also Heckler*, 466 U.S. at 616 (noting that "[t]he common-law writ of mandamus" is "codified in 28 U.S.C. § 1361").

Finally, even if the Court could determine rights and restore officers through mandamus in one fell swoop, Cook is not "clear[ly]" right on the merits. *Heckler*, 466 U.S. at 616–17. As the government explained in its stay application, Cook has raised "no material factual dispute concerning the charges" brought against her and cited as the cause of her removal. Stay App. 10. Cook thus has not shown anything approaching a clear legal right to judicial reinstatement.

II. Temporarily reinstating Cook to office will cause the government irreparable harm that outweighs any harm due to her absence.

Finding that "[Cook's] removal from the Board will result in missed votes and lost time that cannot be remedied by backpay or reinstatement after the fact," the

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[6] *See also The King v. Mayor of Colchester*, 100 Eng. Rep. 141, 141–42 (K.B. 1788); *Arcularius*, 3 Johns. Cas. at 79; *The Queen v. Councillors of Derby*, 112 Eng. Rep. 528, 528–29 (Q.B. 1837); *The Queen v. Phippen*, 112 Eng. Rep. 734, 735 (Q.B. 1838); *Bonner v. State*, 7 Ga. 473, 479–80 (1849).

district court justified its preliminary injunction as a means of curing Cook's "irreparable harm." Stay App. App'x 68a. The D.C. Circuit affirmed, reasoning that since "Cook has been serving in her position continuously . . . [g]ranting the government's request for emergency relief would [] upend, not preserve, the status quo." *Id.* at 9a. In *Trump v. Wilcox*, of course, this Court employed the opposite reasoning and stayed an injunction reinstating a removed official on the ground that allowing the official to remain in office pending the disposition of the case would cause irreparable harm to the government. 145 S. Ct. 1415 (2025). "[T]he Government," this Court explained, "faces greater risk of harm from an order allowing a removed officer to continue exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty." *Id.* at 1415.

Despite having the benefit of both decisions, both the court of appeals and the district court dismissed this Court's assessment of the relative harms in *Wilcox* and *Trump v. Boyle*, 145 S. Ct. 2653 (2025). In doing so, they ignored this Court's clear instruction: "Although our interim orders are not conclusive as to the merits, they inform how a court should exercise its equitable discretion in like cases." *Boyle*, 145 S. Ct. at 2654. The district court said that those cases "did not directly address whether the harm to the removed officer was irreparable, and only stated that such a harm did not outweigh the Government's greater harm." Stay App. App'x 42–43a. The court of appeals said that this case was different because Cook was supposedly denied due process, deprecating the President's interest in removing an official whom he has cause to remove as just a "policy goal." *Id.* at 8a.

Neither distinction works. Even assuming the legitimacy of Cook's "for cause" removal limitation, 12 U.S.C. § 242, the President's interest in removing an official who has given cause for removal is more than just a "policy goal"; it is the execution of a public responsibility expressly conferred by statute. It is no less weighty than the President's interest in removing the officers in *Wilcox* and *Boyle*. And "[o]n Cook's side of the balance, nothing distinguishes this case from the interests of the removed officials in *Wilcox* and *Boyle*." Stay App. App'x 21a (Katsas, J., dissenting). Cook "is no mere civil-service employee" who can be said to possess a property interest in her employment. *Id.* at 17a (distinguishing *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532 (1985)). Rather, she is a principal officer, appointed by the President with the advice and consent of the Senate. 12 U.S.C. § 241. So were the plaintiffs in *Wilcox* and *Boyle*. Cook thus does not possess a property interest in her job that would entitle her to any particular process, much less an entitlement to process that would outweigh the harm caused by allowing the continued service of an official whom the President has cause to remove.

CONCLUSION

The Court should grant the government's application to stay the preliminary injunction of the district court.

September 25, 2025

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