

IN THE
Supreme Court of the United States

KRISTI NOEM, SECRETARY OF HOMELAND SECURITY, ET AL.,

Applicants,

v.

NATIONAL TPS ALLIANCE, ET AL.,

Respondents.

**NOTICE OF MATERIAL DEVELOPMENTS AFFECTING
DEFENDANTS' APPLICATION FOR STAY**

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Respondents submit this notice to alert the Court to two recent developments in the courts below that bear on Defendants’ application for a stay pending appeal.

First, on October 1, 2025, Defendants sought to stay their underlying appeal in the Ninth Circuit due to the lapse in appropriations. 9th Cir. Dkt. 26. In support, Defendants stated “Appellees will not be prejudiced by a stay [of the appeal] because [the Ninth Circuit] denied the government’s motion for a stay of the district court’s judgment pending appeal, providing them TPS protection during the pendency of this appeal.” 9th Cir. Dkt. 28.1. Defendants did not mention the instant stay application before this Court.

Second, the Ninth Circuit denied Defendants’ stay application yesterday, and set an expedited briefing schedule. Defendants’ opening brief is due October 16, 2025, Plaintiffs’ response is due November 5, 2025, and Defendants’ optional reply is due November 19, 2025. 9th Cir. Dkt. 29.1. The court of appeals also ruled extension requests would be denied “absent extraordinary and compelling circumstances.” *Id.*

Respectfully Submitted,

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