No. 25A539

In the Supreme Court of the United States

BROOKE ROLLINS, SECRETARY OF AGRICULTURE, ET AL., APPLICANTS

v.

RHODE ISLAND STATE COUNCIL OF CHURCHES, ET AL.

SUPPLEMENTAL BRIEF FOR APPLICANTS

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Last night, the Senate began the process for ending the shutdown and funding the government—including full funding for SNAP through the end of the fiscal year—though the outcome of that process remains, to be sure, uncertain. See Alex Miller, *Senate Advances Plan to End Shutdown, But Final Votes and Hurdles Remain*, Fox News (Nov. 10, 2025). That proposal, if adopted by both Houses of Congress and signed by the President, would end the shutdown and moot this application. But roughly one hour after that hard-fought compromise was passed, the court of appeals issued its decision and declined to stay the district court's command that the government immediately repurpose billions of dollars from Child Nutrition Programs to pay for full November SNAP benefits. Literally at the eleventh hour, those orders inject the federal courts into the political branches' closing efforts to end this shutdown. But the answer to this crisis is not for federal courts to reallocate resources without lawful authority. The only way to end this crisis—which the Executive is adamant to end—is for Congress to reopen the government.

The district courts' orders instead throw a massively inappropriate new variable into negotiations, forcing the political branches to guess how emerging TROs might affect the parties' willingness to agree to end the shutdown and which programs district courts will try to force the Executive Branch to fund next. Those orders are also sowing upheaval in the SNAP program itself. On Friday, States started a run on SNAP funds, each trying to draw down full benefits before whatever is left runs out; today, the district court in a related case issued yet another TRO to block USDA's attempts to mitigate that run. See Order, *Massachusetts* v. *USDA*, No. 1:25-13165 (D. Mass. Nov. 10, 2025). The orders below risk perversely hurting the very people they purport to help, the people most in need.

The irreparable harms of allowing district courts to inject themselves into the shutdown and decide how to triage limited funds are grave enough to warrant a stay. All the more so, because the district court's orders are indefensible on the merits—and the court of appeals offered barely any defense of them. Instead, the court of appeals reasoned that the district court permissibly mandated the funding transfer because USDA supposedly failed to comply with an earlier order to pay *partial* SNAP benefits using SNAP emergency funds. But there was no violation, and in any event, the court of appeals failed to explain how a delay in disbursing insufficient SNAP funds could possibly justify a new order to raid Child Nutrition Programs. Simply put, nothing in the court of appeals' decision justifies letting the orders below stand. This Court should accordingly extend its existing administrative stay immediately and, if this application is not ultimately mooted, stay the orders below.

1. Starting with common ground, the court of appeals rightly held that 28 U.S.C. 1292(a)(1) permits it to review the district court's orders, because those orders have the "practical effect" of an injunction. Supp. App., *infra*, 16a-17a. There is thus no jurisdictional bar to this Court reviewing—and staying—the orders below.

2. As to the merits, the court of appeals barely defended the district court's legal reasoning. The court conceded there was a "serious argument" that *Lincoln* v. *Vigil*, 508 U.S. 182 (1993), precluded the district court from reviewing USDA's "purely discretionary decision to decline to transfer money in the Section 32 fund to cover SNAP." Supp. App., *infra*, 18a. And even assuming such decision was reviewable, the court of appeals made no effort to explain why USDA's decision to preserve funding for Child Nutrition Programs was somehow arbitrary and capricious on its own terms. See *id.* at 19a-27a.

Instead, the court of appeals rested its denial on a largely procedural point that presents no barrier to relief. The court observed that the district court's November 6 decision had two parts—first, the district court granted respondents' motion to enforce the October 31 order; and second, the district court granted respondents' motion for a new temporary restraining order, compelling full November SNAP payments. Supp. App., *infra*, 18a, 22a. The court of appeals continued that whatever might be said of the second TRO—which the court of appeals in fact agreed to stay, implicitly accepting it could not stand on its own—the district court had the authority to enforce noncompliance with its first TRO. *Id.* at 29a. Specifically, the court noted that the government had not appealed the district court's order to issue *partial* SNAP payments; and it emphasized further that the district court found that the government had failed to comply with that order, because bureaucratic hurdles had prevented the complete issuance of partial SNAP benefits by the district court's self-imposed deadline. *Id.* at 22a. All told, the court of appeals held the government had failed to show that the district court erred when it ordered USDA to provide full payments—including by raiding funds for Child Nutrition Programs—as a means of *enforcing* its first TRO, regardless of whether the district court could have issued that order as a standalone injunction. *Id.* at 25a-26a.

That is untenable. In an effort to comply with the district court's first TRO in good faith, USDA underwent an unprecedented effort not only to exhaust the SNAP contingency fund, but also to implement a process for partial payments that had never been done before. Appl. Appx. 51a-52a. At no point did the government concede that the district court's *other* floated option—full November SNAP payments drawn from separate appropriations—was either lawful or appropriate. And when the district court declared that its novel mandate of a partial-payment regime was taking too long and commanded the government to immediately start siphoning funds from the Child Nutrition Programs, the government promptly appealed *both orders* to the extent that they compelled full payments drawn from other appropriations. Appl. 9.

It is hard to see why that is not exactly what a federal court would want from the Executive Branch: The government worked in good faith to follow a district court's flawed order as best it could in the immediate term, and when the court went intolerably beyond its limits, the government promptly sought emergency relief through an appeal. On the court of appeals' logic, because the government tried to comply with the first option from the district court's original TRO (partial payments), the government effectively forfeited the ability to challenge the imposition of the second option (full payments) on a finding of noncompliance. See Supp. App., *infra*, 25a-26a. That is obviously wrong. If the district court's second option compelled a $1 million payment to every SNAP beneficiary, nobody would contend the court could issue such an edict—whether as a standalone injunction, or a means of enforcing its original TRO. So too here, the district court cannot issue an unlawful order under the guise of enforcing a milder one. Nor is it any answer that the district court previewed its more extreme option in its original order: The government had no occasion to appeal that command before it was ultimately imposed; and as soon as the district court tried to do so, the government sought emergency relief in the court of appeals.

More fundamental, in emphasizing that the district court had the general authority to enforce its first TRO, the court of appeals lost sight of the fact the government also appealed that order to the extent it mandated full payments drawn from other appropriations. Appl. 9; see Gov't C.A. Br. 24. And the court of appeals never explained why the same legal defects that infected the second TRO would not condemn the first. Put differently, even if the district court had the power to enforce its first TRO, that authority reached only so far as the original order was itself lawful. Cf. *United States* v. *Mine Workers*, 330 U.S. 258, 295, 303 (1947). The government appealed that first order to the extent it mandated anything other than partial SNAP payments, drawn from the SNAP-specific contingency fund. The court of appeals simply erred in taking the original TRO as a given and permitting the district court to enforce its full scope—ignoring the basic fact the first TRO was also being appealed.

To that end, while it is no doubt true that "an injunction may be enforced," Supp. App., *infra*, 25a (citation omitted), it is equally true that an injunction also may be appealed. And while a court may have "great discretion" in deciding how to best enforce its orders, *ibid.*, that discretion is of course cabined by the law's limitations. As explained, and as the court of appeals did not contest, the federal courts lack the authority to superintend how the Executive exercises its discretionary authority over appropriating limited funds among competing priorities. Appl. 12-15. Whatever the preceding circumstances, a district court cannot circumvent that limitation under the banner of compliance. That is especially true here: The district court cannot claim the power to issue an order that it would otherwise lack the power to issue (*i.e.*, full payments drawn from other appropriations) in service of *enforcing* a far narrower command (*i.e.*, partial payments drawn entirely from SNAP-specific appropriations).

Finally, even putting all other defects aside, the district court did not explain why USDA violated the first TRO to begin with. As noted above, USDA did all it could to carry out the district court's original order—which again, required the agency to implement in a matter of days a partial-payment system that has never been done before in the history of SNAP. Appl. Appx. 40a. Specifically, by November 4, the agency issued notice and revised issuance tables to the States to guide how to process partial benefits. See D. Ct. Doc. 28 (Nov. 5, 2025). That completed what was necessary on USDA's end to fulfill the district court's injunction. To be sure, for benefits to actually reach recipients, States then needed to carry out a variety of changes to implement this first-time system. Appl. Appx. 51a-52a. But as a number of States conceded in a parallel lawsuit, some were "immediately" able to do just that. Pl.'s Reply Br. at 2 n.3, *Massachusetts* v. *USDA*, No. 1:25-cv-13165 (D. Mass. Nov. 6, 2025). Moreover, as a federal agency, USDA lacks the power to commandeer how States go about updating their systems; yet in an effort to facilitate as smooth a process as possible, the agency made its "staff available for technical assistance" with respect to the "massive changes" contemplated by the court's order. *Id.* at 51a.

The court of appeals discounted all of this by faulting the government for going down the partial-payment route in the first place. Supp. App., *infra*, 24a. Specifically, the court suggested that USDA should have opted for full payments, since it was generally aware that bureaucratic hurdles would forestall the prompt processing of partial payments—that is, at least with respect to the segment of States who failed to update their internal systems "immediately," as governing USDA regulations contemplate. *Ibid.*; see 7 C.F.R. 271.7(d)(ii). But that makes little sense. As between an unlawful option and an impractical one, the government can hardly be faulted for trying to comply in good faith with the latter—let alone be forced to comply with the former when the latter encounters hurdles. Again, even the court of appeals declined to explain how that second option was lawful. Nor is it clear why USDA can be faulted for noncompliance where the bureaucratic delays were attributable to how *the States*—separate sovereigns—tried to execute the partial-payment process on their end. States' separate actions are simply no basis for concluding that the *federal gov-*

ernment did not follow through on its obligation to distribute partial payments by November 5. See Supp. App., *infra*, 12a-13a. Where full compliance depends on the independent acts of separate sovereigns, the federal government should be held responsible only for doing what is in its power to comply with a federal court's order.

The court of appeals also suggested that USDA should have started preparing for partial payments weeks ago, given the possibility that the shutdown would continue. Supp. App., *infra*, 22a-23a. But USDA had weighty reasons for not immediately exhausting the SNAP contingency fund, including that it would nullify "USDA's ability to respond to disasters through D-SNAP." Appl. Appx. 40a. USDA exhausted that fund in response to the district court's first order; but the agency should not be blamed for failing to predict a court ordering such "unprecedented relief." *Ibid.*

In short, nothing in the court of appeals' ruling rehabilitates the district court's orders on the merits. The district court cannot enforce an injunction by breaching its legal limits—especially so where the underlying order suffers from the same infirmities as the one purporting to enforce it. And in all events, an enforcement order was inappropriate here to begin with, where the government actually did comply in full.

3. The court of appeals' discussion of the equities only confirms why a stay is warranted. The court did not contest that transferring $4 billion from Child Nutrition Programs would cause those programs to run out of funds before the end of the fiscal year; and it accepted that this loss could cause "irreparable harm" to both the government and the public. See Supp. App., *infra*, 28a-29a. The court simply disregarded these dangers on the view that they were outweighed by the short-term

harms incurred by partial SNAP payments. And the court ultimately concluded that there was little reason to be worried about school lunches and the like because Congress could always intervene with more funding before it is too late. *Id.* at 30a-31a.

That sort of careful balancing—between competing programs, and short-term versus long-term harms—is precisely the prerogative of the political branches, not of the politically unaccountable federal courts. The court of appeals said that it did not "take lightly the government's concern that money used to fund November SNAP payments will be unavailable for other important nutrition assistance programs," yet it proceeded to override the Executive's decision about how to strike the right balance among various programs whose collective budgets outstripped existing funds. Supp. App., *infra*, 30a-31a. Under our system of separated powers, that is not the judiciary's call. Nor does equity license a federal court to compel the Executive to jeopardize one set of critical programs in order to fund the court's preferred set—especially when the logic for doing so rests on the sheer speculation that *another* independent branch of government will step in eventually to pay whatever tab the court runs up.

Once more, the government unequivocally agrees that any lapse in SNAP funding is tragic. But it is a tragedy of Congress's creation, by shutting the government down, allowing appropriations to lapse, and creating a Hobson's choice for the Executive Branch on how to triage which crucial programs get limited available residual funds. Congress appears to be on the brink of breaking the deadlock, though that outcome is unsure. The district court's unlawful orders risk upsetting that compromise and throwing into doubt how innumerable critical federal programs will be funded—a point on the equities that escaped the court of appeals. This Court should stay these wrongful edicts to let the political process that is rapidly playing out reach its conclusion.

CONCLUSION

This Court should immediately extend its existing administrative stay as it considers this application and, if necessary, ultimately stay the district court's orders.

Respectfully submitted.

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