



August 12, 2026

By Electronic Filing
Hon. Scott S. Harris
Supreme Court of the United States
1 First Street, NE
Washington DC 20543

RE: *Donald J. Trump, President of the United States, et al. v. California, et al.*, No. 26A124
Response to Supplemental Brief

Dear Mr. Harris:

Plaintiff States submit this response to the supplemental brief filed by defendants. The district court's preliminary injunction in a separate lawsuit challenging Executive Order No. 14399 does not support the application for a stay in this case. Defendants cite an "urgent need for this Court to grant the stay" in this case on the theory that a stay here "*should* cause the district court or the First Circuit to stay the new preliminary injunction too." Supp. Br. 1, 2. But if defendants believe a stay of that preliminary injunction is warranted, the proper course is to seek a stay in that case and to give those plaintiffs an opportunity to respond.

That is especially true in light of the distinct legal issues involved in the different cases. Here, the district court granted a narrow injunction limited to the plaintiff States (and to elections on or before November 3, 2026), based on the concrete harms suffered by the plaintiff States. App'x 41a-44a. As the lower courts recognized, States are the "targets" of the EO and would be forced, without an injunction, to take immediate steps to comply with the EO given their "primary responsibility" for administering the rapidly approaching November elections. *Id.* at 9a; *id.* at 18a (Dunlap, J., concurring in part). Cases involving private plaintiffs "have limited bearing here" because "only in this case are the plaintiffs the very states and state officials that the EO identifies and targets." App'x 10a n.7; *see* Consolidated Opp. to Appls. 34-35. And although defendants suggest that the injunction in this case prevents them from "implement[ing] Section 3 of the Executive Order for the federal elections in November," Suppl. Br. 3, that is incorrect. The injunction here allows the U.S. Postal Service to issue a final rule and to implement Section 3 in non-plaintiff States, while preventing disruptive changes to election rules ahead of the midterms in the plaintiff States. The application for a stay should be denied.

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Plaintiff States would appreciate it if you could circulate this letter to members of the Court.

Sincerely,

/s/ Ian Fein

Ian Fein
Deputy Solicitor General

For ROB BONTA
Attorney General

cc: D. John Sauer, Counsel for Applicants