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DEPARTMENT OF JUSTICE



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

RE: *United States Postal Service, et al. v. California, et al.*, No. 26A305

Dear Mr. Harris:

Today, the First Circuit issued an order denying defendants' and intervenors' requested stay of the preliminary injunction. With respect to the likelihood of success on the merits, the First Circuit reasoned that Congress did not authorize the challenged USPS rule through "the 'wafer-thin reed' of a general grant of authority to manage the postal system." Order at 6 (quoting *Biden v. Nebraska*, 600 U.S. 477, 499 (2023)). As to the equities, the First Circuit observed that the injunction is narrow, *id.* at 8 n.4, and emphasized that defendants and intervenors "have not even seriously challenged" the district court's "detailed findings about the chaos and widespread disenfranchisement that would occur between now and November 3 should the Final Rule take immediate effect, including the fact that it would be impossible for some States to" comply with the rule in time for the upcoming election, *id.* at 6; *see also* Br. of Amici Curiae Current and Former Election Officials in Support of Neither Party at 1-2, No. 26A305 (U.S.) (explaining that "the work necessary" by "state and local election officials" to implement the rule "cannot be responsibly accomplished in the time that remains" before the November 2026 election).

Sincerely,

/s/ Ian Fein

IAN FEIN
Deputy Solicitor General

For ROB BONTA
Attorney General

cc: All Counsel of Record