U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

November 19, 2026

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Mullin v. National TPS Alliance, No. 26A714

Dear Mr. Harris:

On November 18, we filed in the above-captioned case an application for a stay of a summary judgment order issued by the United States District Court for the Northern District of California in September of last year. That summary judgment order purported to set aside the Secretary of Homeland Security's decision to terminate Venezuela's 2023 temporary protected status (TPS) designation. This Court had previously entered a stay of that order in October 2025 pending disposition of a petition for a writ of certiorari. On October 5, 2026, this Court granted certiorari, vacated the Ninth Circuit's judgment, and remanded for further proceedings in light of *Mullin* v. *Doe*, 609 U.S. 324 (2026). Thus, by operation of this Court's rules, its stay would (and did) expire on November 6.

Reinstating Venezuela's TPS designation at this late juncture could require releasing 1800 Venezuelan aliens from detention, postponing execution of hundreds of final orders of removal, and issuing countless work authorizations. In light of those irreparable harms, we asked the Ninth Circuit to grant a stay pending appeal by October 26, or in the alternative a 21-day administrative stay upon denial of the stay motion. 25-5724 C.A. Doc. 89, at 7 (Oct. 5, 2026). On October 30, the court of appeals denied both stay requests. 25-5724 C.A. Doc. 94. Four days later, it partially reversed course, withdrawing its previous order, requesting additional briefing on *Doe*, and granting a limited administrative stay to last until November 20. 25-5724 C.A. Doc. 97 (Nov. 3, 2026).

On November 6, we asked the court of appeals to issue a merits decision by November 13 or, alternatively, to issue an order by that date providing that the administrative stay will extend seven days after a merits decision. 25-5724 C.A. Doc. 102. By November 18, the court of appeals had not acted on any of these requests. We accordingly sought a stay from this Court, in order to forestall the disruptive consequences of the district court order going into effect.

Yesterday, a few hours after we filed our stay application, the court of appeals issued an order that now provides that its administrative stay will expire seven days after it publishes its judgment. See 25-5724 C.A. Doc. 109 (Nov. 18, 2026). In light of that development, the United

States withdraws its November 18 stay application in this Court. Should the Ninth Circuit enter an adverse judgment, however, we intend to immediately return to this Court for additional relief.

Sincerely,

D. John Sauer
Solicitor General

cc: See Attached Service List

26A714
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