

(ORDER LIST: 605 U.S.)

FRIDAY, JUNE 6, 2025

CERTIORARI -- SUMMARY DISPOSITION

24-1246 U.S. DOGE SERVICE, ET AL. V. CREW
(24A1122)

The application for a stay presented to The Chief Justice and by him referred to the Court is granted. Additionally, applicants suggested this Court treat the application as a petition for a writ of certiorari; doing so, the petition is granted. The United States Court of Appeals for the District of Columbia Circuit's order denying a writ of mandamus is vacated, and the case is remanded to the Court of Appeals for further consideration in light of this order. Cf. *In re United States*, 583 U. S. 29 (2017) (*per curiam*).

The portions of the District Court's April 15 discovery order that require the Government to disclose the content of intra-Executive Branch USDS recommendations and whether those recommendations were followed are not appropriately tailored. Any inquiry into whether an entity is an agency for the purposes of the Freedom of Information Act cannot turn on the entity's ability to persuade. Furthermore, separation of powers concerns counsel judicial deference and restraint in the context of discovery regarding internal Executive Branch communications. Cf. *Cheney v. United States Dist. Court for D. C.*, 542 U. S. 367, 385 (2004) ("[S]pecial considerations control when the Executive Branch's interests in maintaining the autonomy of its office and

safeguarding the confidentiality of its communications are implicated.”). On remand of the case, the Court of Appeals should take appropriate action to narrow the April 15 discovery order consistent with this order.

The April 15, 2025, and May 20, 2025, orders of the United States District Court for the District of Columbia, case No. 25-cv-511, are stayed pending remanded consideration at the Court of Appeals, and disposition of the petition for a writ of certiorari, if such writ is timely sought. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

Justice Sotomayor, Justice Kagan, and Justice Jackson would deny the application.