

25-1103 U.S. DOGE SERVICE V. USDC DC

DECISION BELOW: 2025 WL 4661073

LOWER COURT CASE NUMBER: 25-5130

QUESTION PRESENTED:

The district court in this case entered a wide-ranging and intrusive discovery order against the U.S. DOGE Service (USDS)-a body within the Executive Office of the President tasked with advising the President-to determine whether that body's influence renders it an "agency" subject to the Freedom of Information Act (FOIA), 5 U.S.C. 552. This Court previously granted certiorari, vacated the court of appeals' denial of a writ of mandamus, and remanded for the court of appeals to "narrow" discovery in light of "separation of powers concerns." On remand, respondent withdrew several of its discovery requests, and the court of appeals again denied the government's mandamus petition without any new analysis regarding the remaining discovery, which includes numerous requests for internal communications and a deposition of USDS's head. The questions presented are:

1. Whether the court of appeals' order departed from this Court's instructions and the separation-of-powers principles that this Court articulated in *Cheney v. United States District Court*, 542 U.S. 367 (2004).

2. Whether a court may order broad discovery against an Executive Office advisory body-potentially providing much information sought on the merits of a plaintiffs FOIA claims-to determine whether FOIA's disclosure requirements apply in the first place.

CERT. GRANTED 10/13/2026