

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 31 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GAVIN NEWSOM, Governor of California,
In his official capacity as Governor of the
State of California and STATE OF
CALIFORNIA,

Plaintiffs - Appellees,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States; et
al.,

Defendants - Appellants.

No. 25-7781

D.C. No.

3:25-cv-04870-CRB

Northern District of California,
San Francisco

ORDER

Before: BENNETT, MILLER, and SUNG, Circuit Judges.

On December 12, 2025, this court administratively stayed the district court’s December 10, 2025 order to the extent that it directed defendants to return control of the California National Guard to Governor Newsom. Dkt. No. 14. On December 23, 2025, this court issued an order directing defendants to file a supplemental brief “explaining why the partial administrative stay should not be lifted” in light of the Supreme Court’s decision in *Trump v. Illinois*, No. 25A443 (U.S. Dec. 23, 2025). Dkt. No. 19.

Defendants filed their supplemental brief on December 30, 2025. Dkt. No. 21. Defendants represented that “[w]ithout prejudice as to any other arguments

defendants may present, defendants do not oppose lifting of the partial administrative stay and hereby respectfully withdraw their motion for a stay pending appeal.” *Id.*

The administrative stay entered by this court on December 12, 2025, Dkt. No. 14, is hereby VACATED. Further, the court’s December 23, 2025 briefing order is amended such that plaintiffs need not file a supplemental response brief.