

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

ECO-032

No. 26-1348

City of Philadelphia

v.

Secretary U.S. Department of Interior, U.S. Department of Interior,  
Director National Park Service, and National Park Service,  
Appellants

(E.D. Pa. No. 2:26-cv-00434)

Present: HARDIMAN, *Circuit Judge*

1. Appellants' Emergency Motion for an Immediate Administrative Stay and a Stay pending Appeal.
2. Appellee's Response to the Motion for an Immediate Administrative Stay

Respectfully,  
Clerk/amr

ORDER

Appellants' Emergency Motion for an Immediate Administrative Stay and for a Stay Pending Appeal is GRANTED IN PART, DENIED IN PART, and referred in part as follows.

As to the request for an immediate administrative stay, the District Court's preliminary injunction (ECF No. 54), including any deadline set by the District Court for the Appellants to comply, is HEREBY STAYED as to:

Paragraph 2 of the preliminary injunction, ordering

"Defendants Doug Burgum, United States Department of the Interior, Jessica Bowron, and National Park Service . . . to restore the President's House Site to its physical status as of January 21, 2026;"

Paragraph 4 of the preliminary injunction, ordering

“Defendants . . . to provide immediate, continuing, and proper maintenance to the Site, its exhibits, grounds, artifacts, video monitors, and recordings which **SHALL** remain operable;” and

Paragraph 5 of the preliminary injunction, ordering

“Defendants . . . to maintain the President’s House Site in a clean and accessible manner, cleared of debris, snow, ice and/or any other impediment to public access.”

The request for an immediate administrative stay is **DENIED** as to the following:

Paragraph 3 of the preliminary injunction, providing:

“Defendants are hereby **ENJOINED** from taking any action to damage any exhibits, panels, artwork, or other items from the President’s House Site, are **ORDERED** to take all necessary steps to ensure the safety, security, and preservation of any such items that had been removed from the President’s House Site on January 22, 2026, and are **ENJOINED** from making any and all further changes to the President’s House Site, including the installation of replacement materials, without mutual agreement of the City of Philadelphia during the pendency of this litigation or until further Order of the Court.”

Further, it is **HEREBY ORDERED** that Appellants are to preserve the status quo as to the President’s House as of the entry of this order.

The request for a stay pending resolution of the appeal is referred to a full 3-judge motions panel.

This appeal shall be expedited. Briefing shall proceed as follows. Appellants’ brief and appendix must be filed by March 13, 2026. Appellee’s brief must be filed within thirty 30 days of the date that the Appellants’ brief and appendix are filed and served. Appellants’ reply brief must be filed within fourteen days of the date that Appellee’s brief is filed and served. Any Amicus party must be prepared to file a brief on or before the deadline for the party supported. No extension of time will be granted absent exigent circumstances.

The case will be scheduled for disposition soon after briefing is completed.

By the Court,

s/ Thomas M. Hardiman

Circuit Judge

Dated: February 20, 2026

Amr/Cc: All counsel of record