

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS,**

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
STATE, et al.**

Defendants.

Case No. 1:25-cv-00465 (TNM)

ORDER

The U.S. Conference of Catholic Bishops recently sought a preliminary injunction to prevent the Government from pausing or canceling contracts between them. Mot. Prelim. Inj., ECF No. 30. The Court denied the motion, finding that the Tucker Act divested it of jurisdiction to grant the requested relief. Mem. Order, ECF No. 37. The Conference filed an interlocutory appeal and now moves for an emergency injunction pending appeal. Mot. Inj. Pending Appeal, ECF 40.

In some rare cases, a court may grant an injunction pending appeal “even if [it] just denied injunctive relief [and] believes its analysis in denying relief is correct.” *United States v. Facebook*, No. 19-cv-2184, 2024 WL 291739, at *1 (D.D.C. Jan. 12, 2024) (cleaned up). The analysis turns on the same four factors applicable to preliminary injunctions. *Id.* Courts evaluate the factors under a “sliding scale” approach where a “strong showing on one factor [can] make up for a weaker showing on another.” *Cigar Ass’n of Am. v. U.S. Food & Drug Admin.*, 317 F. Supp. 3d 555, 560 (D.D.C. 2018) (quoting *Sherley v. Sebelius*, 644 F.3d 388, 392 (D.C. Cir. 2011)); *but see League of Women Voters of the U.S. v. Newby*, 838 F.3d 1, 7 (D.C. Cir. 2016)

(acknowledging uncertainty on whether the sliding scale approach is still good law). Thus, even if a movant has not shown a likelihood of success on the merits, an injunction pending appeal may still be warranted if “the other three factors tip sharply” in the movant’s favor. *Facebook*, 2024 WL 291739, at *1 (cleaned up).

But whether the Conference meets that standard or not, the injunction it seeks remains beyond this Court’s reach. The impediment is jurisdictional. No amount of give-and-take between the four factors can change that. As explained in the initial preliminary injunction denial, “this Court cannot offer the requested relief” because the Tucker Act divests it of jurisdiction over contractual remedies. Mem. Order at 1. That limitation applies with equal force here as well.

For these reasons, it is

ORDERED that Plaintiff’s [40] Emergency Motion for Injunction Pending Appeal is **DENIED**.

SO ORDERED.

Dated: March 14, 2025

TREVOR N. McFADDEN, U.S.D.J.