

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA;  
COMMONWEALTH OF  
MASSACHUSETTS; STATE OF NEW  
JERSEY; STATE OF COLORADO; STATE  
OF ILLINOIS; STATE OF MARYLAND;  
STATE OF NEW YORK; and STATE OF  
WISCONSIN,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION;  
DENISE CARTER, in her official capacity  
as former Acting Secretary of Education and  
current acting Chief Operating Officer,  
Federal Student Aid; LINDA MCMAHON,  
in her official capacity as Secretary of  
Education,

Defendants.

Case No. 1:25-cv-10548

**PLAINTIFF STATES' NOTICE OF WITHDRAWAL OF MOTION FOR  
PRELIMINARY INJUNCTION**

Plaintiff States submit this notice of withdrawal of the pending motion for a preliminary injunction.

On April 4, 2025 in a 5-4 decision, the Supreme Court construed this Court's March 10 temporary restraining order "as an appealable preliminary injunction" and stayed the order pending disposition of the pending appeal. *Dep't of Educ. v. California*, No. 24A910, slip op. at 1 (per curiam); *see id.* at 3. The majority's brief per curiam opinion concluded that "the Government is likely to succeed in showing the District Court lacked jurisdiction" under the particular circumstances of this case, *id.* at 1-2, and that "the remaining stay factors" also favored a stay based on case-specific considerations, *id.* at 3. It did not purport to be a final ruling on

defendants’ jurisdictional argument—or on any other issue in this case. *See generally Labrador v. Poe*, 144 S. Ct. 921, 928-929 (2024) (Kavanaugh, J., concurring in the grant of a stay) (distinguishing a ruling on an emergency stay application from “a final merits ruling”).

Plaintiff States respectfully disagree with the analysis in the per curiam opinion. *See, e.g., Dep’t of Educ. v. California*, dissenting op. of Kagan, J., at 1 (noting that the majority’s jurisdictional analysis “relies exclusively on *Great-West Life & Annuity Ins. Co v. Knudson*, 534 U.S. 204 (2002),” a case that “was *not* brought under the APA, as the Court took care to note”); *id.* (observing that, “contra the *per curiam*, the respondent States have consistently represented that the loss of these grants will force them—indeed, has already forced them—to curtail teacher training programs”). Nevertheless, in the context of what it viewed as a preliminary injunction appeal, a majority of the Supreme Court has granted a stay based on its preliminary assessment of defendants’ jurisdictional argument in this case and its view of the equitable considerations here. In light of that ruling, Plaintiff States hereby withdraw their pending motion for a preliminary injunction.

This withdrawal should not be construed to concede any of the legal or factual issues in this case.<sup>1</sup> Counsel for Plaintiff States will meet and confer with counsel for defendants regarding the most efficient path forward for this litigation and will update this Court in due course.

Dated: April 8, 2025

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<sup>1</sup> Each Plaintiff reserves all rights to seek relief as may be appropriate or necessary.

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**CERTIFICATE OF SERVICE**

I, Adelaide Pagano, certify that on April 8, 2025, I provided a copy of the forgoing document to counsel for the Defendants via CM/ECF.

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