

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI,
STATE OF ALABAMA
STATE OF ARKANSAS,
STATE OF FLORIDA,
STATE OF NORTH DAKOTA,
STATE OF OHIO, and

Plaintiffs,

v.

JOSEPH R. BIDEN, Jr., in his official
capacity as President of the United States,

MIGUEL A. CARDONA, in his official
capacity as Secretary, United States
Department of Education, and

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

Civil Action No. 24-cv-1316

**EMERGENCY TRO requested by end of
day, October 4.**

**If necessary, TRO hearing requested as
soon as possible.**

**EMERGENCY MOTION FOR A STAY OR IN THE ALTERNATIVE A
TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION**

Plaintiffs move for a temporary restraining order (Fed. R. Civ. P. 65), an administrative stay, a preliminary injunction, or a statutory stay of agency action (5 U.S.C. § 705) against Defendants’ third attempt to mass cancel loans. This case has been transferred from a district court that already granted two TROs against Defendants but then transferred after concluding that it lacked venue. During a previous hearing, Defendants conceded on the record that they will fully implement the Third Mass Cancellation Rule after 72 hours of publication, Tr. 40, even though federal law expressly requires they wait until at least 60 days after publication, 5 U.S.C. § 801(a)(3). In other words, absent immediate relief, Defendants will unlawfully liquidate *at least*

\$73 billion in student loan debt by as soon as Monday, causing immediate, irreparable harm to Plaintiff States before this case can be adjudicated on the merits. ECF 5 at 3.

If the Court grants a TRO, the States ask that it remain in place as long as needed for the Court to rule on the request for a § 705 stay or a preliminary injunction. In support of this motion, Plaintiff States rely on the arguments in the accompanying memorandum supporting both this motion, the underlying briefing on the States' Motion for a Stay/Preliminary Injunction/Temporary Restraining Order (ECF 5), and the transcript of the oral argument held in the other district court before this case was transferred.

Date: October 3, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on October 3, 2024, a true and accurate copy of the foregoing was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, consistent with Federal Rule of Civil Procedure 5(b).

I further certify that the foregoing document contains 253 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine _____

*Counsel for Plaintiff State of Missouri
Lead Counsel for Plaintiff States*