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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PLAINTIFF PACITO; PLAINTIFF
ESTHER; PLAINTIFF JOSEPHINE;
PLAINTIFF SARA; PLAINTIFF
ALYAS; PLAINTIFF MARCOS;
PLAINTIFF AHMED; PLAINTIFF
RACHEL; PLAINTIFF ALI; HIAS,
INC.; CHURCH WORLD SERVICE,
INC., and LUTHERAN COMMUNITY
SERVICES NORTHWEST,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United
States; MARCO RUBIO, in his official
capacity as Secretary of State; KRISTI
NOEM, in her official capacity as
Secretary of Homeland Security;
ROBERT F. KENNEDY, JR., in his
official capacity as Secretary of Health
and Human Services,

Defendants.

CASE NO. 2:25-cv-255-JNW

ORDER GRANTING IN PART
PLAINTIFFS' MOTION TO
ENFORCE THE FIRST
PRELIMINARY INJUNCTION
AND EMERGENCY MOTION FOR
SHOW CAUSE HEARING

1 **1. INTRODUCTION**

2 This matter comes before the Court on Plaintiffs’ Motion to Enforce the First
3 Preliminary Injunction and Emergency Motion for Show Cause Hearing,
4 Dkt. No. 89, and Plaintiffs’ Motion for Emergency Conference or Show Cause
5 Hearing to Address Defendants’ Intent to Re-Suspend USRAP Cooperative
6 Agreements, Dkt. No. 87. Having considered the papers submitted in support of and
7 opposition to the motions, the relevant record, and the argument of counsel, the
8 Court GRANTS IN PART the motions as explained below.

9 **2. BACKGROUND**

10 On February 25, 2025, this Court issued a preliminary injunction followed by
11 a written order days later enjoining Defendants from, among other things,
12 “suspending or implementing the suspension of refugee processing, decisions, and
13 admissions” and “suspending or implementing the suspension of USRAP funds.”
14 Dkt. No. 45 (“First Injunction”) at 61. On March 24, 2025, this Court issued a
15 second preliminary injunction enjoining “Defendants, except for President Trump
16 individually, from enforcing or implementing any portion of Defendants’
17 termination of USRAP-related funding provided to resettlement partners through
18 their cooperative agreements with the U.S. State Department.” Dkt. No. 79
19 (“Second Injunction”) at 36. The Court also ordered Defendants to “reinstate all
20 cooperative agreements terminated pursuant to the Termination Notices to their
21 status as they existed before February 26, 2025.” *Id.*

22 On March 25, 2025, the Ninth Circuit issued an order denying in part
23 Defendants’ motion to stay the first preliminary injunction, specifically ruling that

1 “[t]he motion is denied to the extent the district court’s preliminary injunction order
2 applies to individuals who were conditionally approved for refugee status by the
3 United States Citizenship and Immigration Services [USCIS] before January 20,
4 2025.” *Pacito v. Trump*, No. 25-1313 (9th Cir. Mar. 25, 2025), Dkt. No. 28.

5 Despite this Court’s orders and the Ninth Circuit’s partial denial of a stay,
6 the Government has taken the position that it may suspend cooperative agreements
7 and halt refugee processing for individuals conditionally approved before January
8 20, 2025. Twice now this Court has rejected this interpretation of the Ninth
9 Circuit's stay order. *See* Dkt. No. 92 at 4–5; Dkt. No. 104 at 7.

10 3. DISCUSSION

11 Federal courts have “inherent power to enforce compliance with their lawful
12 orders[.]” *California by & through Becerra v. United States Dep’t of the Interior*, No.
13 C 17-5948 SBA, 2020 WL 13093994, at *3 (N.D. Cal. July 30, 2020) (quoting
14 *Shillitani v. United States*, 384 U.S. 364, 370 (1966)). A party who disobeys “a
15 specific and definite court order by failure to take all reasonable steps within the
16 party’s power to comply” risks being held in civil contempt. *In re Dual-Deck Video*
17 *Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir. 1993).

18 The Government argues that this Court lacks jurisdiction to enforce its First
19 Injunction because of the Government’s pending appeal. *See* Dkt. No. 97 at 7. That
20 is plainly wrong, as “district court[s] retain[] jurisdiction during the pendency of an
21 appeal to act to preserve the status quo.” *See E. Bay Sanctuary Covenant v. Barr*,
22 391 F. Supp. 3d 974, 978 (N.D. Cal. 2019) (quoting *Nat’l Res. Def. Council v. Sw.*
23 *Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001)). Preserving the “status quo”

1 means preserving “the state of affairs at the time the appeal was filed, i.e., the
2 nationwide injunction originally issued by the Court.” *Id.* (citing *Mayweathers v.*
3 *Newland*, 258 F.3d 930 (9th Cir. 2001)). Thus, the Court finds that it has
4 jurisdiction to enforce the portions of its injunction that the Ninth Circuit has not
5 stayed.

6 The record shows that the Government has not complied with the First
7 Injunction as it applies to individuals conditionally approved for refugee status
8 before January 20, 2025. Indeed, the Government has effectively acknowledged its
9 noncompliance through its interpretation of the Ninth Circuit’s partial stay order,
10 suggesting that the “in all other respects” language permits it to suspend processing
11 for all refugees, including those conditionally approved before January 20, 2025. *See*
12 *Dkt. No. 97* at 4–5. As thoroughly explained at this point, the Court rejects this
13 interpretation. *See Dkt. No. 92* at 4-5; *Dkt. No. 104* at 7. Despite the Ninth Circuit
14 preserving the injunction for this specific population, the Government has not
15 resumed processing their cases. State Department communications indicate that
16 conditionally approved refugees have been informed that “the activities of the
17 Program have been suspended.” *Dkt. No. 90-4* at 7–8. Plaintiff CWS has been
18 unable to access the START database necessary for case processing, *Dkt. No. 90-2*
19 ¶¶ 14–15; cooperative agreements were re-suspended immediately after being
20 reinstated, *Dkt. Nos. 86-1, 86-2*; and no alternative mechanisms appear to have
21 been established for completing medical examinations, security clearances, or travel
22 arrangements for conditionally approved refugees. These actions have effectively
23

1 halted processing, travel, admissions, and resettlement for the population
2 specifically protected by the remaining portion of this Court’s injunction.

3 Thus, the Court finds that additional measures are necessary to ensure
4 Defendants’ compliance with the Court’s orders.

5 **4. ORDER**

6 Accordingly, IT IS HEREBY ORDERED as follows:

- 7 1. The Court GRANTS IN PART Plaintiffs’ motions to enforce the Court's
8 preliminary injunction orders. Dkt. Nos. 87, 89.
- 9 2. The Court CONFIRMS that, consistent with the Ninth Circuit’s stay order,
10 Defendants remain enjoined from “suspending or implementing the
11 suspension of refugee processing, decisions, and admissions” and “suspending
12 or implementing the suspension of USRAP funds” for individuals who were
13 conditionally approved for refugee status by USCIS before January 20, 2025.
- 14 3. Within seven (7) calendar days of this Order, the parties must meet and
15 confer and file a joint status report proposing a schedule for Defendants to
16 come into compliance with the Court’s preliminary injunction orders as they
17 apply to individuals who were conditionally approved for refugee status by
18 USCIS before January 20, 2025. The joint status report must follow the
19 format outlined below:
- 20 a. Plaintiffs will prepare and circulate a draft joint submission to
21 Defendants no later than 12:00 p.m. (PST) on Tuesday, April 15, 2025;
- 22 b. The submission must:
- 23

1 i. Identify specific compliance measures that Defendants must
2 undertake to restore “refugee processing, decisions, and
3 admissions” for individuals who were conditionally approved for
4 refugee status by USCIS before January 20, 2025;

5 ii. Propose specific deadlines for each compliance measure,
6 accounting for the Supreme Court’s guidance to show “due
7 regard for the feasibility of any compliance timelines”;¹
8 iii. Propose a reporting schedule for Defendants to provide updates
9 to the Court on their compliance efforts; and

10 iv. Address specific obstacles to compliance identified by either
11 party.

12 c. Defendants must provide their response to Plaintiffs’ draft submission
13 by 12:00 p.m. (PST) on Thursday, April 17, 2025. If the parties
14 disagree on any aspect of the compliance schedule, they must clearly
15 identify their positions on each disputed issue.

16 d. Plaintiffs will file the completed joint submission with the Court by
17 2:00 p.m. (PST) on Friday, April 18, 2025.

18 e. Each side must limit their portions of the joint submission to no more
19 than 4,200 words total.

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¹ *Dep’t of State v. AIDS Vaccine Advoc. Coal.*, 145 S. Ct. 753 (2025).

- 1 4. If the parties cannot agree on any aspect of the compliance schedule, the
2 Court will resolve any such dispute in a way that ensures prompt compliance
3 while accounting for practical limitations.
- 4 5. The Court will hold a status conference as soon as practicable to discuss the
5 joint submission and establish a compliance framework.
- 6 6. Until the Court issues a compliance-framework order, Defendants are

7 ORDERED to:

- 8 a. Immediately cease implementation of any suspension of refugee
9 processing, travel, admissions, and domestic resettlement support for
10 individuals who were conditionally approved for refugee status by
11 USCIS before January 20, 2025;
- 12 b. Immediately resume processing, travel, admissions, and domestic
13 resettlement support for individuals who were conditionally approved
14 for refugee status by USCIS before January 20, 2025;
- 15 c. Immediately cease implementation of any suspension of funding to
16 USRAP partner agencies, including organizational Plaintiffs, as
17 necessary to facilitate compliance with the Court's orders.

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19 Dated this 11th day of April, 2025.

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21 Jamal N. Whitehead
22 United States District Judge
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