IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES, *et al.* *Plaintiffs*, v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, *et al.* *Defendants*.	Case No. 8:25-cv-03777-ABA
NATIONAL CONFERENCE OF JEWISH WOMEN, GREATER NEW ORLEANS SECTION *Plaintiff*, v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, *et al.* *Defendants*.	Case No. 8:25-cv-03675-ABA

THE LEAGUE PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR PRELIMINARY INJUNCTION

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Plaintiffs have established that USCIS's Voter Registration Ban is procedurally and substantively unlawful, as it violates the requirements of the Administrative Procedure Act and tramples Plaintiffs' First Amendment rights. This Court should grant preliminary relief.

ARGUMENT

I. Plaintiffs Have Standing and Defendants Have Not Established Otherwise

The assorted arguments Defendants raise in challenging the League Plaintiffs standing, *see* Opp'n at 12-18, are meritless.[1] *First*, Defendants argue that Plaintiffs lack standing to bring their First Amendment claims because they purportedly do not have a constitutionally protected interest in engaging in speech at administrative naturalization ceremonies. This argument improperly conflates whether Plaintiffs have suffered a First Amendment *violation* with whether they have standing to *challenge* the Voter Registration Ban. Those are separate inquiries. *See White Tail Park, Inc. v. Stroube*, 413 F.3d 451, 460-61 (4th Cir. 2005) ("the intrusiveness of the statute and the extent to which it impaired the ability of [the organization] to carry its message" is "a merits determination" but "[t]he standing doctrine, of course, depends not upon the merits").

Second, the fact that the League can promote voter registration and civic participation to new citizens at judicial naturalization ceremonies—which USCIS does not regulate—does not remedy the injuries the League has and is suffering from USCIS's ban on speaking to new citizens (entirely different groups of new citizens) at administrative naturalization ceremonies. *See* Opp'n at 13-14. "The First Amendment protects [plaintiffs'] right not only to advocate their cause but also to select what they believe to be the most effective means for so doing." *Meyer v. Grant*, 486 U.S. 414, 424 (1988). "[T]o demonstrate injury in fact, it is sufficient to show that one's First

[1] Defendants assert that Plaintiffs do not have standing to bring any of their claims, Opp'n at 2, but make no arguments concerning, and thus waive, Plaintiffs' standing for their Administrative Procedure Act ("APA") claims.

Amendment activities have been chilled." *Cooksey v. Futrell*, 721 F.3d 226, 235-36 (4th Cir. 2013). That is unquestionably the case here. "A regulation that reduces the size of a speaker's audience can constitute an invasion of a legally protected interest." *Stroube*, 413 F.3d at 461. Likewise, "[t]he denial of a particular opportunity to express one's views may create a cognizable claim despite the fact that other venues and opportunities are available." *Id.* (citation modified).

Third, the League has amply shown that Defendants' actions have "directly affected and interfered with [the plaintiff organization's] core business activities." *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 395 (2024) [hereinafter, "*AHM*"]. In *AHM*, while the Supreme Court held that diversion of resources based on injury to an organization's "abstract social interests" is not sufficient to confer standing, it reaffirmed that when a law or policy "directly affect[s] and interfere[s] with [the plaintiff organization's] core business activities" such that the organization must divert resources in response, that does confer standing. 602 U.S. at 395. Such is the case here, where the challenged rule (1) unquestionably interferes with Plaintiffs' core organizational activities of encouraging and assisting new citizens to register to vote and (2) has forced Plaintiffs to expend significant resources attempting to find other ways to reach new citizens. *See* Mot. at 3-4, 8-9, 29-30; *see also Republican Nat'l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390, 396-97 (4th Cir. 2024).

Fourth, Defendants are wrong in suggesting that Plaintiffs' injury is nothing more than a "generalized grievance that newly naturalized citizens are not being encouraged or registered to vote by *their* organizations." Opp'n at 17 (emphasis in original). The Ban specifically targets the speech and expressive conduct of nonpartisan, nonprofit organizations like Plaintiffs. This decidedly does *not* involve a "general interest common to all members of the public," *Carney v. Adams*, 592 U.S. 53, 59 (2020) (citation omitted), but rather an injury particularized to Plaintiffs.

Lastly, Defendants insist that Plaintiffs' associational harms are not fairly traceable to the challenged rule, but are caused by independent third parties, *i.e.*, the new citizens at naturalization ceremonies who may choose not to join the League. Opp'n at 15. That argument misunderstands Plaintiffs' association claim, which hinges on the fact that the Voter Registration Ban prevents Plaintiffs from any opportunity to associate with new citizen voters by forbidding Plaintiffs from attending and speaking at administrative naturalization ceremonies. *See* Mot. at 8, 20-21, 28. Defendants likewise ignore the Ban's *other* associational harms, including the damage it causes to Plaintiffs' ability to recruit volunteers and retain existing members, many of whom joined the League to assist new citizens in registering to vote.[2] In sum, Defendants' arguments against the League Plaintiffs' standing fail across the board.

II. Defendants Have Failed to Refute that Plaintiffs Are Likely to Succeed on the Merits of their Administrative Procedure Act Claims

A. USCIS' Voter Registration Ban Is Reviewable by this Court

Defendants reveal the weakness of their merits defense of the Voter Registration Ban by arguing at the outset that it is not reviewable under the APA at all, as an action committed to agency discretion by law. Opp'n at 28-31. That is incorrect. The APA creates a strong presumption of the availability of judicial review of final agency actions. Under the APA, "[a] person suffering legal wrong because of agency action . . . is entitled to judicial review thereof." 5 U.S.C. § 702. Section 701(a)(2) of the APA creates an exception to reviewability where "agency action is committed to agency discretion by law." 5 U.S.C. § 701(a)(2). But the Supreme Court has repeatedly emphasized the narrowness of this exception. "[J]udicial review of a final agency action by an aggrieved person will not be cut off unless there is persuasive reason to believe that such

[2] *See, e.g.*, LWVCO Decl. ¶¶ 10, 14, 18, 26, 29, 33, 49, 60, 69; LWVNJ Decl. ¶ 17; Charleston Decl. ¶ 12; Milwaukee Decl. ¶ 15; Saratoga Decl. ¶¶ 3, 11.

was the purpose of Congress." *Abbott Labs v. Gardner*, 387 U.S. 136, 140 (1967). Indeed, "[i]n order to give effect to the command that courts set aside agency action that is an abuse of discretion, and to honor the presumption of judicial review, . . . the § 701(a)(2) exception for action committed to agency discretion [is read] quite narrowly, restricting it to those rare circumstances." *Dep't of Com. v. New York*, 588 U.S. 752, 772 (2019) (citation modified). This is not one of those "rare circumstances" where there is "persuasive reason" to believe that Congress intended to shield USCIS action from review. To start, when USCIS issued the Voter Registration Ban, the agency itself appeared to believe that its action is reviewable. The text of the Ban includes a section entitled "Additional Considerations[:] Administrative Procedure Act." *See* ECF No. 21-4 at 3. Courts regularly review agencies' own statements of reasons to ensure that the agency "has [not] relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Sierra Club v. U.S. Dep't of the Interior*, 899 F.3d 260, 293 (4th Cir. 2018) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

Moreover, Defendants concede that there is no federal statute that expressly commits final agency action such as the Voter Registration Ban to agency discretion. Nor is there even a hint of congressional intent to bar judicial review here. 8 U.S.C. § 1443(h) requires USCIS to "seek the assistance of appropriate community groups, private voluntary agencies, and other relevant organizations" to distribute information concerning the benefits of citizenship—which includes the right to participate in American democracy by registering to vote. And 8 U.S.C. § 1448 requires that administrative naturalization ceremonies be public. Nothing in either statute evinces a desire

to shield USCIS actions like the Ban from APA review. Instead, "this case involves the sort of routine dispute that federal courts regularly review: An agency issues an order affecting the rights of a private party, and the private party objects that the agency did not properly justify its determination." *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 586 U.S. 9, 23-24 (2018).

Defendants nonetheless claim that the policy here is unreviewable because it is an action that involves a "'complicated balancing of a number of factors which are peculiarly within [the agency's] expertise, . . . especially decisions that involve resource allocation and the need for flexibility to 'adapt to changing circumstances.'" Opp'n at 29 (quoting *Holbrook v. Tennessee Valley Authority*, 48 F.4th 282, 290 (4th Cir. 2022)). But that exception, and the cases applying it that Defendants rely on, are inapplicable. The cases Defendants cite, Opp'n at 28-31, address types of executive action that are uniquely and innately imbued with non-reviewable discretion, such as prosecutorial discretion. *Cf. Heckler v. Chaney*, 470 U.S. 821, 830 (1985) (case-specific decision whether or not to prosecute is generally committed to agency discretion); *Speed Mining, Inc. v. Fed. Mine Safety and Health Review Comm'n*, 528 F.3d 310 (4th Cir. 2008) (same); *Lincoln v. Vigil*, 508 U.S. 182, 197 (1993) (discussing non-reviewability of "discretionary allocation of unrestricted funds from a lump-sum appropriation"); *Holbrook*, 48 F.4th at 290 (applying century-long precedent to decline judicial review of utility rate-setting).

This is an ordinary APA claim challenging the procedural correctness, rationality, and constitutionality of an abrupt reversal of USCIS's longstanding practice allowing nonprofit, nonpartisan organizations like the League to offer voter registration at administrative naturalization ceremonies in certain circumstances. The agency action at issue here does not involve complicated factors that are "peculiarly" within USCIS's expertise. Nor is this an area where Congress or the agency has demonstrated a need for "flexibility" in light of changing

circumstances. While Defendants assert concerns regarding administrative burdens and resource allocation, nearly every final agency action involves some consideration of those factors. Applying the nonreviewability exception here based on those factors would effectively nullify the presumption of reviewability that Congress codified in the APA. Plaintiffs are not arguing that Defendants have no discretion as to how they structure voter registration opportunities at administrative naturalization ceremonies, only that Defendants have acted arbitrarily and in violation of the Constitution, and without the required notice and comment rulemaking. Plaintiffs' APA challenge is in the heartland of the types of cases that courts regularly review. Defendants' assertion of nonreviewability fails.

B. The Ban Is a Legislative Rule Subject to Notice and Comment Rulemaking

Next, Defendants insist that the challenged rule is not subject to notice and comment rulemaking. *See* Opp'n at 31-33. Defendants do not contest that the Voter Registration Ban is a final agency action, *see* Mot. at 9-10, only whether the Ban is a legislative rule. It is.

"[T]he critical question in distinguishing between legislative rules and general statements of policy is whether the statement is of present binding effect[.]" *Casa De Maryland v. U.S. Dep't of Homeland Sec.*, 924 F.3d 684, 702 (4th Cir. 2019) (internal quotations omitted). An agency's pronouncement "will be considered binding as a practical matter if it either appears on its face to be binding, or is applied by the agency in a way that indicates it is binding." *Elec. Priv. Info. Ctr. v. U.S. Dep't of Homeland Sec.*, 653 F.3d 1, 7 (D.C. Cir. 2011). Here, the challenged rule is unquestionably binding—on both Defendants and nonpartisan, nonprofit organizations, including Plaintiffs. Both on its face and in practice, the Ban has binding effect.[3] Defendants do not contend

[3] USCIS field offices have consistently affirmed that they "must follow the guidance." Milwaukee Decl. ¶ 14, Ex. B at 1, & Ex. C at 1-2; *see also* Charleston Decl. ¶ 10 & Ex. A at 1; LWVWA Decl. ¶ 4 & Ex. A at 2.

otherwise. While general policy statements "allow[] agencies to announce their tentative intentions for the future without binding themselves," *Chen Zhou Chai v. Carroll*, 48 F.3d 1331, 1341 (4th Cir. 1995), there is nothing tentative about the challenged rule. Because the Ban does not "[leave] agency officials free to exercise their discretion[,]" it is a legislative rule. *Id.*

Defendants further argue that, if the Ban is invalid for failing to follow notice and comment requirements, then so too is USCIS's 2011 policy. Opp'n at 32-33. But Defendants ignore a critical distinction between the two. While the Ban is a wholesale reversal of USCIS's prior policy regarding nonpartisan, nonprofit organizations, the 2011 policy was *not* a "new position inconsistent with existing regulations[] or otherwise effect[ing] a substantive change in existing law or policy." *Children's Hosp. of the King's Daughters, Inc. v. Azar*, 896 F.3d 615, 620 (4th Cir. 2018). USCIS's 2011 guidance was a continuation of a nearly decade-long policy whereby nonpartisan, nonprofit groups could provide voter registration services at administrative naturalization ceremonies—consistent with existing statues.[4] *See* Mot. at 2, 11. Because the Ban is a substantive reversal in agency policy, it is a legislative rule that requires notice and comment rulemaking.

C. The Ban Violates the APA's Prohibition on Arbitrary and Capricious Action

In defending the Ban, Defendants simply repeat the same inadequate and illogical reasons provided on the face of the Ban. Their arguments reinforce Plaintiffs' contention that the Ban cannot survive even the deferential scrutiny that is given in arbitrary and capricious review. *See FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009). When, as here, an agency's "new

[4] Defendants argue that "even on Plaintiffs' own theory, the 2011 policy would be void *ab initio*—leaving Plaintiffs without a remedy." Opp'n at 33. Not so. First, there is no challenge to the 2011 policy. Second, even if the 2011 policy were not in place, a stay of the Ban would allow field offices to permit Plaintiffs to conduct their activities (as they did before 2011 in many places).

policy rests upon factual findings that contradict those which underlay its prior policy; or when its prior policy has engendered serious reliance interests[,]" the agency must provide a more detailed justification acknowledging the change in policy and an understanding of the reliance interests at issue. *Id.* at 515; *see also Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 106 (2015).

In their opposition, Defendants do not address, and thus concede that: (1) neither of the Executive Orders cited in the Ban support or justify it; (2) it is nonsensical for Defendants to claim they are prioritizing nonpartisan provision of voter registration activities at ceremonies by allowing certain partisan state or local election offices to provide such services but not Plaintiffs, who have over a century of history as nonpartisan nonprofits and are certified by the IRS as such; (3) Plaintiffs were frequently the only available and reliable source of voter registration assistance at ceremonies; (4) Plaintiffs provided assistance above and beyond what USCIS itself provides, in that USCIS does not and has never collected completed voter registration forms or assisted new citizens with their completion; and (5) the reliance interests of "aliens" should be irrelevant to Defendants' decision-making because Plaintiffs were reaching and engaging new *citizens*, who are fully entitled to the benefits and rights of citizenship.

This Court's review of the Ban need not be reduced to "a rubber stamp of agency action." *Casa De Maryland*, 924 F.3d at 703. To satisfy arbitrary and capricious review "[an] agency 'must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.'" *Id.* (quoting *State Farm*, 463 U.S. at 43). Defendants cannot meet this standard.

The Ban "observes" that the use of nongovernmental organizations was sporadic and varied based on location. Opp'n at 34. Defendants do not put forward any relevant data or evidence to justify this conclusion. *Id.* at 35. Defendants likewise provided zero factual support for their

assertions that: (1) USCIS does not primarily rely upon nongovernmental organizations for voter registration services and (2) the Ban was necessary to lighten the administrative burden on USCIS of verifying nonpartisanship of participating nongovernmental organizations. Indeed, Defendants failed to address Plaintiffs' evidence that establishes the opposite, that: voter registration assistance and education at administrative naturalization ceremonies by nongovernmental organizations was quite extensive;[5] nongovernmental organizations were the primary providers of such services at administrative naturalization ceremonies; and the administrative burden on USCIS was quite minimal as Plaintiffs were approved to provide services years ago. Mot. at 14-19.[6] Finally, Defendants demonstrated no consideration of Plaintiffs' reliance interests. In short, Defendants provided "almost no reasons at all" and instead offered "conclusory statements [that] do not suffice to explain its decision." *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 224 (2016) (holding that agency explanation of its change in position was so minimal and lacking in consideration of serious reliance interests as to be arbitrary and capricious). Defendants' repetition of their original threadbare justifications offered in the policy alert fall far short of the APA's requirements. Therefore, the Ban is arbitrary and capricious.

III. Defendants Have Failed to Refute that Plaintiffs Are Likely to Succeed on the Merits of their First Amendment Claims

Plaintiffs are likely to succeed on the merits of their First Amendment claims because the Ban violates Plaintiffs' First Amendment rights, discriminates on viewpoint, is unreasonable, and

[5] Defendants suggest that *Plaintiffs* "confirm" the sporadic nature of nonprofit involvement by only discussing the work of certain state and local Leagues that are named Plaintiffs. Opp'n at 26. Not so. Discussing the work of named Plaintiffs does not suggest that other Leagues across the country are not engaged in similar work and the League has submitted evidence clearly establishing the nationwide scope of its work. *See* ECF No. 21-9, LWV Decl. ¶ 4; *see also infra* Part VI.

[6] It is hard to see how coordinating nonprofit participation would be resource-intensive for Defendants when they admit that they do not even track the number of nonprofits that request to participate in ceremonies. *See* Opp'n at Ex. 2, Decl. of Claudia Young ¶ 13.

cannot survive strict scrutiny or indeed any level of scrutiny. The Ban restricts Plaintiffs' rights to engage in core political speech and to freely associate, and Defendants do not argue otherwise. Defendants broadly and repeatedly claim that Plaintiffs do not have a "legally protected" First Amendment interest in registering new citizens at an administrative naturalization ceremony, Opp'n at 2, 37, but in the same breath admit that Plaintiffs exercise their First Amendment rights by registering new citizens at judicial naturalization ceremonies, *see id.* at 2. Having conceded that voter registration at naturalization ceremonies constitutes speech and association protected by the First Amendment, Defendants are left to argue that the Ban applies only to nonpublic forums and is viewpoint neutral and reasonable. *Id.* at 21-26. These arguments fail on both counts.

First, administrative naturalization ceremonies take place in a variety of forums, including canonical public forums, such as national parks, public libraries, and public schools. *See, e.g.*, ECF No. 21-10, LWVCO Decl. ¶ 36; *Steinburg v. Chesterfield Cnty. Planning Comm'n*, 527 F.3d 377, 384 (4th Cir. 2008) ("In the traditional public forum, which includes the streets, sidewalks, parks, and general meeting halls, speakers' rights are at their apex."). Defendants nevertheless argue that these spaces are nonpublic forums when they host administrative naturalization ceremonies because USCIS has not opened the ceremonies to public *discourse*. Opp'n at 24. Of course, Defendants ignore that administrative naturalization ceremonies themselves are required by law to be public. *See* Mot. at 11 & n.19. But regardless of whether the ceremonies here constitute a public forum, the Ban discriminates based on viewpoint and is not reasonable. *See Greater Balt. Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Balt.*, 721 F.3d 264, 288 (4th Cir. 2013) ("[A] viewpoint-based restriction of private speech rarely, if ever, will withstand strict scrutiny review."). The Ban discriminates based on viewpoint because it prohibits only certain speakers—nonpartisan nonprofit organizations like Plaintiffs—from engaging in their First Amendment

protected speech and association rights. Plaintiffs express a particular view when they engage in their First Amendment rights at administrative naturalization ceremonies: new citizens should be full participants in American democracy. *See Reed v. Town of Gilbert*, 576 U.S. 155, 170 (2015) ("'[L]aws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference.") (citation omitted). Because of the challenged rule, however, Plaintiffs are no longer permitted to express this viewpoint at administrative naturalization ceremonies by registering and engaging with new citizens. Meanwhile, state and local government officials *are* permitted to attend and provide voter assistance, despite the Ban. Such discrimination based on speaker constitutes illicit viewpoint discrimination, is subject to strict scrutiny, and is presumptively unconstitutional. *See Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 806 (1985); *Reed*, 576 U.S. at 164.

At bottom, the Ban fails to survive any level of review, strict or rational basis. The purpose of an administrative naturalization ceremony is to ensure that new citizens can fully participate in American civic life, including by registering to vote. Defendants provide no rational justification to end Plaintiffs' continued participation in this process. The Ban is not reasonable because it is not "consistent with the [government's] legitimate interest." *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 50-51 (1983). The interests Defendants articulate for implementing the Ban are that "the use of nongovernmental organizations was sporadic and varied based upon location" and ensuring groups are nonpartisan was an administrative burden. Opp'n at 9. The record demonstrates that League members across the country participated in these ceremonies for years without creating an administrative burden on USCIS and actually *eased* USCIS's administrative burdens by registering new citizens to vote. *See* Mot. at 15-17. Plaintiffs' continued participation in these ceremonies posed little to no additional administrative burden because

USCIS had already assessed their nonpartisan status for them to participate in the ceremonies. *Id.* at 15-16. Outside of the purported administrative burden in affirming a group's nonpartisanship, Defendants fail to present any state interest whatsoever to justify the Ban. As such, the Ban is not appropriately tailored because it "'unnecessarily circumscrib[es] protected expression.'" *Cent. Radio Co. v. City of Norfolk*, 811 F.3d 625, 633 (4th Cir. 2016) (citation omitted). This Court should accordingly enjoin the Ban and vindicate Plaintiffs' First Amendment rights.

IV. Defendants Have Failed to Refute Plaintiffs' Irreparable Harms Absent an Injunction

Defendants further insist that Plaintiffs have failed to establish that a preliminary injunction is necessary to prevent irreparable harm. *See* Opp'n at 36-39. Here too, they are wrong. Defendants first fault Plaintiffs for bringing this case less than four months after USCIS issued the challenged rule. *Id.* at 36. But this minimal delay is irrelevant as Defendants cannot show that it is at all prejudicial to their interests. *See Candle Factory, Inc. v. Trade Associates Grp., Ltd.*, 23 F. App'x 134, 138-39 (4th Cir. 2001). Moreover, between issuance of the challenged rule and filing of the complaint, Plaintiffs sought to determine if any effective alternatives existed to providing voter registration assistance at administrative naturalization ceremonies.[7]

Defendants next insist that Plaintiffs have not demonstrated irreparable harm to their protected First Amendment speech or associational rights, or to their organizational missions. Opp'n at 37-39. But as explained *supra* Parts I & III, this is simply not true. *See, e.g.*, Mot. at 28-29. Indeed, "[v]iolations of first amendment rights constitute per se irreparable injury." *Johnson v. Bergland*, 586 F.2d 993, 995 (4th Cir. 1978). Defendants' further suggestion that the harm to

[7] Plaintiffs only sued after they determined that no such alternatives are available. *See* Mot. at 29 & nn.40 & 41; *see also, e.g.*, *Fleet Feet, Inc. v. Nike Inc.*, 419 F. Supp. 3d 919, 947 (M.D.N.C. 2019), *appeal dismissed and remanded*, 986 F.3d 458 (4th Cir. 2021), and *vacated*, No. 1:19-CV-885, 2021 WL 4067544 (M.D.N.C. Apr. 6, 2021) ("[I]t is reasonable for a litigant to get its ducks in a row before coming to court, and a litigant should not be punished for giving itself time to investigate and prepare its case, so long as it does so expeditiously.").

Plaintiffs' associational rights is not irreparable because it does not "threaten[] the party's very existence," Opp'n at 39 (quoting *Mountain Valley Pipeline, LLC v. 6.56 Acres of Land, Owned by Sandra Townes Powell*, 915 F.3d 197, 218 (4th Cir. 2019)), is utterly misplaced, as the case on which Defendants rely dealt solely with economic losses.

As to the irreparable harms to Plaintiffs' core organizational mission, Defendants insist that *League of Women Voters of U.S. v. Newby*, 838 F.3d 1 (D.C. Cir. 2016) is inapposite. Not so. Both the proof-of citizenship requirement in *Newby* and the challenged rule here "unquestionably make it more difficult for the Leagues to accomplish their primary mission of registering voters." *Newby*, 838 F.3d at 9. Moreover, being able to encourage and assist members of "the voting public writ large" and entirely separate groups of naturalized citizens at *judicial* naturalization ceremonies, Opp'n at 38, does nothing to change this. Plaintiffs' ability to assist new citizens in registering to vote at administrative naturalization ceremonies has been halted in its tracks. That irreparable harm exists now and need not be tied to a particular impending voter registration deadline to demonstrate injury.[8] In sum, Defendants have failed to refute Plaintiffs' per se constitutional harms and the irreparable injury that will continue to result absent an injunction.

V. Defendants Have Not Established that the Balance of the Equities and Public Interest Favor Them Rather than Plaintiffs

Defendants assert that the balance of the equities and public interest favor them because an injunction would disrupt the uniformity of administrative naturalization ceremonies, interfere with

[8] Nevertheless, voter registration deadlines for elections across the country *are* fast approaching and only bolster the irreparable nature of harm to Plaintiffs absent an injunction. *See, e.g.*, Wis. Elections Comm'n, https://myvote.wi.gov/en-us/Voter-Deadlines (last visited Jan. 28, 2026) (first voter registration deadline for February 17, 2026 spring primary election is January 28, 2026). Indeed, voter registration deadlines for certain elections have already passed during the pendency of this litigation. *See* N.J. Sec'y of State (Nov. 21, 2025), https://www.nj.gov/state/elections/assets/pdf/chrons/2026-chron-special-primary-election.pdf (voter registration deadline for February 5, 2026 special primary election was January 15, 2026).

USCIS's resource allocation decision, and lead to confusion. *See* Opp'n at 39-40. But Defendants provide nothing more than bare assertions, failing to explain how returning to the status quo in place before the challenged rule would disrupt proceedings or lead to confusion among "competing" entities providing voter registration assistance to newly naturalized citizens. Moreover, Defendants do not grapple at all with the reality that they are "in no way harmed by issuance of a preliminary injunction which prevents [it] from enforcing restrictions likely to be found unconstitutional," *Leaders of a Beautiful Struggle v. Baltimore Police Dep't*, 2 F.4th 330, 346 (4th Cir. 2021) (citation omitted), and that "[t]here is generally no public interest in the perpetuation of unlawful agency action," *AFT v. Bessent*, 765 F. Supp. 3d 482, 505 (D. Md. 2025) (citation omitted).

VI. Enjoining Defendants from Enforcing the Voter Registration Ban Is the Appropriate, Party-Specific Relief Against Plaintiffs' Constitutional and Statutory Claims

Defendants incorrectly contend that *CASA* forecloses nationwide relief for Plaintiffs here. To the contrary, the nationwide scope of the League's work requires enjoining Defendants from enforcing the Voter Registration Ban to afford complete relief. In *Trump v. CASA, Inc.*, the Supreme Court held that courts should only offer "complete relief *to the plaintiffs before the court*." 606 U.S. 831, 852 (2025) (emphasis in text); *see also League of United Latin Am. Citizens v. Exec. Off. of President*, No. CV 25-0946 (CKK) [hereinafter "*LULAC*"], 2025 WL 3042704, at *35 (D.D.C. Oct. 31, 2025) (same).

The League has brought its claims on behalf of all its members and supporters, which span every state and the District of Columbia, Leagues in more than 750 communities, and more than one million individuals. *See* ECF No. 21-9, LWV Decl. ¶ 4. In *LULAC*, the district court recognized that "[e]njoining the appropriate named Defendants from implementing [the challenged executive order]" is consistent with *CASA* because the League would be irreparably harmed by Defendants' actions as an organization that "operate[s] in every State and associations

with members throughout the Nation." 2025 WL 3042704, at *35. For the same reasons here, "awarding narrower relief—such as by enjoining the named Defendants from implementing [the challenged order] only in certain States, under certain circumstances, or with respect to certain categories of individuals—would not offer complete relief to the plaintiffs before the court." *Id.* at 36 (citing *CASA*, 606 U.S. at 852) (internal quotations omitted).

Likewise, Defendants' assertion that *CASA* somehow precludes nationwide preliminary relief for claims brought under the APA is flatly wrong. *See CASA*, 606 U.S. at 873 (Kavanaugh, J., concurring) (noting that, even after *CASA*, district courts may "grant or deny the functional equivalent of a universal injunction—for example, by . . . preliminarily setting aside or declining to set aside an agency rule under the APA"); *see also* 5 U.S.C. § 705. Therefore, whether as a preliminary injunction or as a Section 705 stay, this Court may appropriately prohibit Defendants from enforcing the Voter Registration Ban.

VII. Defendants Have Not Established that a Bond Is Necessary and the Court Should Not Stay Any Preliminary Injunction It Issues

Finally, Defendants insist that Plaintiffs should be required to post a bond that "consider[s] the implications of any order prohibiting . . . its policy objectives." Opp'n at 42. But Defendants have done nothing to explain any *material* harm they are likely to face from an injunction. *See Md. Dep't of Hum. Res. v. U.S. Dep't of Agric.*, 976 F.2d 1462, 1483 n.23 (4th Cir. 1992). Accordingly, the Court should exercise its discretion to waive any bond or impose a nominal bond of $100.[9]

CONCLUSION

This Court should grant Plaintiffs' motion for preliminary injunction.

[9] Incredibly, Defendants insist that, should the Court grant preliminary injunctive relief, it should immediately stay that injunction pending appeal. In effect, Defendants shoehorn into their opposition a preemptive stay motion. But the Court should not deprive itself—or Plaintiffs—of the opportunity for full briefing on any subsequent stay motion.

Dated: January 28, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, I filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Bruce V. Spiva
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