

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE, et al.,

Defendants.

No. 1:26-cv-13917

**PLAINTIFF STATES' MOTION FOR A TEMPORARY RESTRAINING ORDER,
EMERGENCY STAY, AND EXPEDITED PRELIMINARY INJUNCTION AND STAY**

Plaintiffs California, Massachusetts, Nevada, Washington, Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Wisconsin, and Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania ("Plaintiff States"), hereby respectfully move, pursuant to Federal Rule of Civil Procedure 65, 5 U.S.C. § 705, and Local Rule 7.1, for:

1. an immediate temporary restraining order and emergency stay of the United States Postal Service's ("USPS") final rule Ballot Mail for Federal Elections, 91 Fed. Reg. 54,966 (published Aug. 26, 2026) (codified at 39 C.F.R. pt. 111) ("Rule"); and
2. expedited briefing on a preliminary injunction and § 705 stay, followed by entry of the requested preliminary injunction and stay to restrain Defendants¹ from implementing or enforcing the Rule pending resolution of this case.

¹ Defendants are USPS; David Steiner, in his official capacity as Postmaster General, Chief Executive Officer of the Postal Service, and Member of the Postal Service Board of Governors; Doug Tulino, in his official capacity as Deputy Postmaster General, Chief Operating Officer and Chief Human Resources Officer of the Postal Service and Member of the Postal Service Board of Governors; Amber McReynolds, in her official capacity as Chair of the Postal Service Board of Governors; Derek Kan, in his official capacity as Vice Chairman of the Postal Service Board of Governors; Ronald Stroman, in his official capacity as a Member of the Postal Service Board of Governors; Daniel Tangherlini, in his official capacity as a Member of the Postal Service Board of Governors.

On August 26, 2026, USPS published the Rule,² implementing Section 3(b) of Executive Order No. 14399, *Citizenship Verification and Integrity in Federal Elections* (Mar. 31, 2026) (“EO”). The Rule has a stated effective date of August 21, 2026.

As described in Plaintiff States’ accompanying memorandum of law in support of this motion, a temporary restraining order, emergency stay of the Rule, and expedited proceedings to preliminarily enjoin and stay the Rule pending resolution on the merits are warranted to allow Plaintiff States’ election officials to administer upcoming elections unimpeded by the Rule’s unconstitutional and unlawful requirements.

Plaintiff States satisfy the requirements for temporary and preliminary injunctive relief and a stay under 5 U.S.C. § 705. First, Plaintiff States are likely to succeed on the merits of their claims because the Rule violates the horizontal and vertical separation of powers, commandeers Plaintiff States’ election officials to implement an unlawful federal program, exceeds Defendants’ statutory authority under Title 39 of the U.S. Code and transgresses specific prohibitions therein, is arbitrary and capricious and contrary to statute, and contravenes both the Voting Rights Act and the Privacy Act. Second, Plaintiff States are suffering and will continue to suffer immediate and irreparable harm if Defendants are allowed to implement the Rule as to Plaintiff States’ federal elections. The Rule forces Plaintiff States to upend their core activities in preparation for the rapidly approaching midterm elections and to divert their limited resources to implementing the Rule. Third, the balance of equities and public interest weigh in favor of a temporary restraining order and an emergency stay, followed by an expedited preliminary injunction and stay of the Rule’s effective date, to halt the Rule’s significant disruption of mail voting until this case can be resolved on the merits.

As set out in the certification below, Plaintiff States have provided oral and written notice to Defendants’ counsel of this motion and the relief requested herein. *See* Fed. R. Civ. P. 65(b).

Plaintiff States request that the Court exercise its discretion to waive the requirement to

² Although the Rule was published in the Federal Register on August 26, 2026, USPS made the Rule available for public inspection beginning on August 21, 2026.

post a bond under Federal Rule of Civil Procedure 65(c) because Defendants will not suffer any monetary loss on account of the relief sought. *Int'l Ass'n of Machinists v. E. Airlines, Inc.*, 925 F.2d 6, 9 (1st Cir. 1991) (“[T]here is ample authority for the proposition that the provisions of Rule 65(c) are not mandatory and that a district court retains substantial discretion to dictate the terms of an injunction bond.” (collecting cases)).

As further grounds in support of this Motion, Plaintiff States rely on the accompanying memorandum of law, declarations, and evidence filed in support of this motion.

To address the preliminary injunction and stay on an expedited basis, Plaintiff States request that the Court enter the following briefing and hearing schedule in conjunction with its temporary restraining order and emergency stay, as set forth in the attached proposed order:

- August 28, 2026: Defendants’ Opposition to Plaintiff States’ Motion for Preliminary Injunction and Stay.
- August 31, 2026: Plaintiff States’ Reply to Defendants’ Opposition.
- September 2, 2026, or as soon thereafter that the Court can accommodate: hearing on Plaintiff States’ Motion for a Preliminary Injunction and Stay.

This accelerated schedule is warranted by the importance of the issues; the fast-approaching election, including state law deadlines to mail ballots by as early as September 4, 2026 (N.C. Gen. Stat. § 163-227.10(a)); the gravity of the harms caused to Plaintiff States and their administration of elections—particularly the rapidly approaching November 2026 general election—and the likelihood of appellate review.

REQUEST FOR ORAL ARGUMENT SOLELY AS TO EXPEDITED MOTION FOR PRELIMINARY INJUNCTION AND STAY

Pursuant to Local Rule 7.1(d), Plaintiff States believe that oral argument related to their request for preliminary injunction and stay would assist the Court because this case concerns complicated and important issues affecting the public interest.

WHEREFORE, Plaintiff States respectfully request that the Court promptly enter a temporary restraining order and emergency stay to preserve the status quo and order an expedited

briefing and hearing schedule as set forth in the proposed order attached to this motion, and thereafter enter a preliminary injunction and stay of the Rule barring its implementation and enforcement during the remainder of these proceedings.

August 26, 2026

ROB BONTA

Attorney General of California

By: /s/ Anne P. Bellows

Anne P. Bellows*

Deputy Attorney General

Thomas S. Patterson*

Senior Assistant Attorney General

Seth E. Goldstein*

Supervising Deputy Attorney General

Malcolm A. Brudigam*

Michael S. Cohen*

Lisa C. Ehrlich*

Kevin L. Quade*

Robert William Setrakian*

Deputy Attorneys General

1300 I Street, P.O. Box 944255

Sacramento, CA 95814

(916) 210-6090

anne.bellows@doj.ca.gov

Counsel for the State of California

AARON FORD

Attorney General of Nevada

By: /s/ K. Brunetti Ireland

K. Brunetti Ireland*

Chief of Special Litigation

1 State of Nevada Way, Suite 100

Las Vegas, NV 89119

(702) 486-9246

kireland@ag.nv.gov

Counsel for the State of Nevada

Respectfully submitted.

ANDREA JOY CAMPBELL

Attorney General of Massachusetts

By: /s/ Gerard J. Cedrone

Vanessa A. Arslanian (BBO No. 688099)

State Trial Counsel

Gerard J. Cedrone (BBO No. 699674)

Deputy State Solicitor

Jared B. Cohen (BBO No. 689217)

Julia S. Canney (BBO No. 717328)

Phoebe M. Lockhart (BBO No. 709411)

Assistant Attorneys General

One Ashburton Place

Boston, MA 02108

(617) 963-2282

gerard.cedrone@mass.gov

Counsel for the

Commonwealth of Massachusetts

NICHOLAS W. BROWN

Attorney General of Washington

By: /s/ Tera M. Heintz

Tera M. Heintz*

Cristina Sepe*

Karl D. Smith*

Deputy Solicitors General

1125 Washington Street SE

PO Box 40100

Olympia, WA 98504-0100

(360) 753-6200

tera.heintz@atg.wa.gov

Counsel for the State of Washington

(additional counsel on following page)

KRISTIN K. MAYES

Attorney General of Arizona

By: /s/ Kara Karlson

Kara Karlson*

Karen J. Hartman-Tellez*

Syreeta Tyrell*

Assistant Attorneys General

2005 North Central Ave.

Phoenix, AZ 85004

(602) 542-8118

Counsel for the State of Arizona

WILLIAM TONG

Attorney General of Connecticut

By: /s/ Maura Murphy

Maura Murphy*

Deputy Associate Attorney General

165 Capitol Avenue

Hartford, CT 06106

(860) 808-5020

Counsel for the State of Connecticut

BRIAN L. SCHWALB

Attorney General for the District of Columbia

By: /s/ Karthik P. Reddy

Karthik P. Reddy*

Special Assistant Attorney General

Office of the Attorney General

for the District of Columbia

400 Sixth Street NW

Washington, D.C. 20001

(202) 741-5221

Counsel for the District of Columbia

PHILIP J. WEISER

Attorney General of Colorado

By: /s/ Shannon Stevenson

Shannon Stevenson*

Solicitor General

Peter Baumann*

Senior Assistant Attorney General

1300 Broadway

Denver, Colorado 80203

(720) 508-6400

Counsel for the State of Colorado

KATHLEEN JENNINGS

Attorney General of Delaware

By: /s/ Ian R. Liston

Ian R. Liston*

Director of Impact Litigation

Vanessa L. Kassab*

Deputy Attorney General

820 N. French Street

Wilmington, DE 19801

(302) 683-8899

Counsel for the State of Delaware

ANNE E. LOPEZ

Attorney General of Hawai'i

By: /s/ Kaliko 'onālani D. Fernandes

Kaliko 'onālani D. Fernandes*

Solicitor General

425 Queen Street

Honolulu, HI 96813

(808) 586-1360

Counsel for the State of Hawai'i

(additional counsel on following page)

KWAME RAOUL

Attorney General of Illinois

By: /s/ Vikas Didwania

Vikas Didwania*

Complex Litigation Counsel

Alex Hemmer*

Deputy Solicitor General

Molly Petchenik*

Assistant Attorney General

115 S. LaSalle St.

Chicago, IL 60603

(312) 814-5526

Counsel for the State of Illinois

ANTHONY G. BROWN

Attorney General of Maryland

By: /s/ Virginia A. Williamson

Virginia A. Williamson*

Assistant Attorney General

200 Saint Paul Place

Baltimore, MD 21202

(410) 576-6584

Counsel for the State of Maryland

KEITH ELLISON

Attorney General of Minnesota

By: /s/ Angela Behrens

Angela Behrens

Allen Cook Barr*

Assistant Attorneys General

Lindsey E. Middlecamp*

Special Counsel

445 Minnesota Street, Suite 600

St. Paul, MN, 55101

(651) 300-0711

Counsel for the State of Minnesota

AARON M. FREY

Attorney General of Maine

By: /s/ Katherine W. Thompson

Katherine W. Thompson*

Special Counsel

6 State House Station

Augusta, ME 04333-0006

(207) 626-8800

Counsel for the State of Maine

DANA NESSEL

Attorney General of Michigan

By: /s/ Neil Giovanatti

Neil Giovanatti*

Assistant Attorney General

P.O. Box 30212

Lansing, MI 48909

(517) 241-1050

Counsel for the State of Michigan

JENNIFER DAVENPORT

Attorney General of New Jersey

By: /s/ Meghan K. Musso

Meghan K. Musso*

Jonathan Mangel*

Joshua P. Bohn*

Deputy Attorneys General

124 Halsey Street, 5th Floor

Newark, NJ 07101

(609) 696-5276

Counsel for the State of New Jersey

(additional counsel on following page)

RAÚL TORREZ

Attorney General of New Mexico

By: /s/ James W. Grayson

James W. Grayson*

Chief Deputy Attorney General

P.O. Drawer 1508

Santa Fe, NM 87504-1508

(505) 490-4060

Counsel for the State of New Mexico

LETITIA JAMES

Attorney General of New York

By: /s/ Colleen K. Faherty

Colleen K. Faherty*

Special Trial Counsel

Rabia Muqaddam*

Chief Counsel, Federal Initiatives

28 Liberty Street

New York, NY 10005

(212) 416-6046

Counsel for the State of New York

JEFF JACKSON

Attorney General of North Carolina

Laura Howard

Chief Deputy Attorney General

By: /s/ Daniel P. Mosteller

Daniel P. Mosteller*

Associate Deputy Attorney General

114 W. Edenton Street

Raleigh, NC 27603

Counsel for the State of North Carolina

DAN RAYFIELD

Attorney General of Oregon

By: /s/ Thomas H. Castelli

Thomas H. Castelli*

Senior Assistant Attorney General

100 SW Market Street

Portland, OR 97201

(971) 673-1880

Counsel for the State of Oregon

PETER F. NERONHA

Attorney General of Rhode Island

By: /s/ Megan Rok

Megan Rok*

Special Assistant Attorney General

150 South Main Street

Providence, RI 02903

(401) 274-4400

Counsel for the State of Rhode Island

CHARITY R. CLARK

Attorney General of Vermont

By: /s/ Ryan P. Kane

Ryan P. Kane*

Deputy Solicitor General

109 State Street

Montpelier, VT 05609

(802) 828-2153

Counsel for the State of Vermont

(additional counsel on following page)

JAY JONES

Attorney General of Virginia

By: /s/ Tillman J. Breckenridge

Tillman J. Breckenridge*

Solicitor General

202 North Ninth Street

Richmond, VA 23219

Counsel for the Commonwealth of Virginia

JOSHUA L. KAUL

Attorney General of Wisconsin

By: /s/ Lynn Lodahl

Lynn Lodahl*

Assistant Attorney General

17 West Main Street

Madison, WI 53707-7857

(608) 264-6219

Counsel for the State of Wisconsin

JOSH SHAPIRO

Governor of the Commonwealth
of Pennsylvania

By: /s/ Michael J. Fischer

Michael J. Fischer*

Charlotte Gibson*

Executive Deputy General Counsel

Jacob B. Boyer*

Deputy General Counsel

30 North Third Street, Suite 200

Harrisburg, PA 17101

(717) 831-2847

*Counsel for the Governor of the
Commonwealth of Pennsylvania*

**Admitted pro hac vice or pro hac vice applications forthcoming*

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that on August 25, 2026, at 5:00 p.m., counsel for Plaintiffs met and conferred with the following attorneys at the U.S. Department of Justice via videoconference to provide notice of this motion:

Esam Al-Shareffi, Trial Attorney
U.S. Department of Justice, Civil Division
(845) 536-4560
esam.k.al-shareffi@usdoj.gov

Stephen M. Pezzi, Chief Litigation Counsel
U.S. Department of Justice, Civil Division
(202) 598-3240
stephen.pezzi@usdoj.gov

The above attorneys confirmed that they will represent Defendants in this case and stated that Defendants oppose this motion. Counsel for Defendants further requested that Plaintiffs note that Defendants propose the following schedule:

- Plaintiffs' TRO and/or PI Motions: August 26 at 11:59 PM
- Defendants' Oppositions: September 1 at 2 PM
- Plaintiffs' Replies: September 3 at 2 PM

August 26, 2026

/s/ Gerard J. Cedrone
Gerard J. Cedrone (BBO No. 699674)
Deputy State Solicitor
One Ashburton Place
Boston, MA 02108
(617) 963-2282
gerard.cedrone@mass.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2026, I provided a copy of the foregoing document to counsel for the Defendants by email as follows:

Esam Al-Shareffi, Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
esam.k.al-shareffi@usdoj.gov

Stephen M. Pezzi, Chief Litigation Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
stephen.pezzi@usdoj.gov

August 26, 2026

/s/ Gerard J. Cedrone
Gerard J. Cedrone (BBO No. 699674)
Deputy State Solicitor
One Ashburton Place
Boston, MA 02108
(617) 963-2282
gerard.cedrone@mass.gov