

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

IN RE UNITED STATES,
Petitioner

2026-144

On Petition for Writ of Mandamus to the United States Court of International Trade in No. 1:25-cv-00066-RKE, Senior Judge Richard K. Eaton.

ON MOTION

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA, TARANTO, CHEN, STOLL, CUNNINGHAM, and STARK, *Circuit Judges*.¹

PER CURIAM.

ORDER

In the above-captioned case, the United States Court of International Trade entered an order on May 27, 2026, compelling the live testimony of U.S. Customs and Border Protection Commissioner Rodney S. Scott at a hearing

¹ Circuit Judges Newman and Hughes did not participate.

scheduled for June 9, 2026. The United States petitions this court for a writ of mandamus to block the compelled live testimony of Commissioner Scott, Dkt No. 2, and separately moves to stay the Court of International Trade's order pending our disposition of the petition, Dkt No. 3.

The United States's motion for a stay was presented to all circuit judges of this court in regular active service who are not recused or disqualified. Having considered the traditional stay factors, *see* Fed. R. App. P. 8; *Nken v. Holder*, 556 U.S. 418, 426 (2009), the court concludes a stay is warranted under the circumstances. *See also Trump v. Wilcox*, 605 U.S. ___, 145 S. Ct. 1415, 1415 (2025) (per curiam) ("The purpose of . . . interim equitable relief is not to conclusively determine the rights of the parties, but to balance the equities as the litigation moves forward." (quoting *Trump v. Int'l Refugee Assistance Project*, 582 U.S. 571, 580 (2017))).

Accordingly,

IT IS ORDERED THAT:

The motion for a stay pending this court's disposition of the petition for a writ of mandamus is granted.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

June 4, 2026
Date