

NOTE: This order is nonprecedential.

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

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**V.O.S. SELECTIONS, INC., PLASTIC SERVICES  
AND PRODUCTS, LLC, dba Genova Pipe,  
MICROKITS, LLC, FISHUSA INC., TERRY  
PRECISION CYCLING LLC,  
*Plaintiffs-Appellees***

**v.**

**DONALD J. TRUMP, in his official capacity as Pres-  
ident of the United States, EXECUTIVE OFFICE OF  
THE PRESIDENT, UNITED STATES, PETE R.  
FLORES, Acting Commissioner for United States  
Customs and Border Protection, in his official ca-  
pacity as Acting Commissioner of the United States  
Customs and Border Protection, JAMIESON  
GREER, in his official capacity as United States  
Trade Representative, OFFICE OF THE UNITED  
STATES TRADE REPRESENTATIVE, HOWARD  
LUTNICK, in his official capacity as Secretary of  
Commerce, UNITED STATES CUSTOMS AND  
BORDER PROTECTION,  
*Defendants-Appellants***

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2025-1812

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Appeal from the United States Court of International  
Trade in No. 1:25-cv-00066-GSK-TMR-JAR, Judge Gary S.

Katzmann, Judge Timothy M. Reif, and Senior Judge Jane A. Restani.

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**STATE OF OREGON, STATE OF ARIZONA, STATE  
OF COLORADO, STATE OF CONNECTICUT,  
STATE OF DELAWARE, STATE OF ILLINOIS,  
STATE OF MAINE, STATE OF MINNESOTA, STATE  
OF NEVADA, STATE OF NEW MEXICO, STATE OF  
NEW YORK, STATE OF VERMONT,**  
*Plaintiffs-Appellees*

**v.**

**PRESIDENT DONALD J. TRUMP, UNITED STATES  
DEPARTMENT OF HOMELAND SECURITY,  
KRISTI NOEM, Secretary of Homeland Security, in  
her official capacity as Secretary of the Department  
of Homeland Security, UNITED STATES CUSTOMS  
AND BORDER PROTECTION, PETE R. FLORES,  
Acting Commissioner for United States Customs  
and Border Protection, in his official capacity as  
Acting Commissioner for U.S. Customs and Border  
Protection, UNITED STATES,**  
*Defendants-Appellants*

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2025-1813

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Appeal from the United States Court of International  
Trade in No. 1:25-cv-00077-GSK-TMR-JAR, Judge Gary S.  
Katzmann, Judge Timothy M. Reif, and Senior Judge Jane  
A. Restani.

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**ON MOTION**

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

PER CURIAM.

## ORDER

The United States’s motions for a stay of the United States Court of International Trade’s rulings enjoining certain Executive Orders imposing tariffs, the Plaintiffs-Appellees’ oppositions, and the United States’s reply were presented to all circuit judges of this court in regular active service who are not recused or disqualified. Both sides have made substantial arguments on the merits. 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))). The court also concludes that these cases present issues of exceptional importance warranting expedited en banc consideration of the merits in the first instance.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions for a stay pending appeal are granted.
- (2) All motions for leave to file briefs amicus curiae regarding the stay motions are granted.
- (3) These consolidated cases will be heard en banc under 28 U.S.C. § 46 and Federal Rule of Appellate Procedure

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<sup>1</sup> Circuit Judge Newman did not participate.

40(g). The court en banc shall consist of all circuit judges in regular active service who are not recused or disqualified in accordance with the provisions of 28 U.S.C. § 46(c).

(4) Within two business days from the issuance of this order, the parties are directed to jointly file a proposed expedited briefing schedule. The proposed briefing schedule should allow for this court to hold oral argument on July 31, 2025 at 10:00 A.M. in Courtroom 201. If the parties cannot agree upon a schedule, the joint submission should include the parties' alternative proposals.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

June 10, 2025  
Date