

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS; STATE OF CALIFORNIA; STATE OF ARIZONA; STATE OF MINNESOTA; STATE OF CONNECTICUT; STATE OF COLORADO; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF ILLINOIS; LAURA KELLY, in her official capacity as Governor of the State of Kansas; OFFICE OF THE GOVERNOR ex rel. Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; JOSH SHAPIRO, in his official capacity as Governor of the Commonwealth of Pennsylvania; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; and STATE OF WISCONSIN,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF AGRICULTURE; BROOKE ROLLINS, in her official capacity as U.S. Secretary of Agriculture; U.S. OFFICE OF MANAGEMENT AND BUDGET; RUSSELL VOUGHT, in his official capacity as Director of the U.S. Office of Management and Budget; and UNITED STATES OF AMERICA,

Defendants.

Case No. 1:25-cv-13165

**EMERGENCY HEARING
REQUESTED**

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiffs seek emergency relief from this Court because tens of millions of their residents are on the cusp of crisis: their life-saving benefits under the Supplemental Nutrition Assistance Program (SNAP) have been abruptly suspended by the federal government. Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 7.1, Plaintiffs respectfully move for a temporary restraining order enjoining this unlawful act.

The continued issuance of SNAP benefits is mandatory. Neither a lapse in appropriations,

nor a government shutdown, alters this requirement. Indeed, for years, and as recently as four weeks ago, the U.S. Department of Agriculture (USDA) consistently maintained that SNAP benefits will continue in the event of a shutdown because SNAP is a “core program[] of the nutrition safety net.” Yet on October 10, 2025, USDA without explanation changed course and directed state SNAP administrators to refrain from transferring massive state benefits data files to SNAP card vendors, without which SNAP benefits cannot be processed and paid. Then, on October 24, USDA suspended SNAP benefits altogether for November 2025. It provided no explanation for the suspension, or for its refusal to use available resources to fund SNAP.

Plaintiffs satisfy the requirements for temporary emergency relief from USDA’s actions to suspend SNAP. First, Plaintiffs are likely to succeed on the merits of their claims because Defendants’ suspension of SNAP benefits are unlawful in multiple respects. The suspension is contrary to law in violation of 5 U.S.C. § 706(2)(A) and (C) of the Administrative Procedure Act because SNAP benefits are a mandatory entitlement, requiring federal payments so long as Congress has appropriated funds for them—and Congress has done so. Indeed, Congress appropriated a \$6 billion SNAP contingency reserve for this very eventuality, which USDA itself acknowledged are available to fund participant benefits should a lapse in appropriations occurs. The suspension is also arbitrary and capricious and an abuse of discretion, in violation of 5 U.S.C. § 706(2)(A). The abrupt decision to withhold appropriated funds for the payment of November 2025 SNAP benefits—after initially stating the contingency reserve was available and would be used to fund SNAP benefits, and days before those benefits were scheduled to become available—does not reflect reasoned decisionmaking, does not consider the reliance interests of Plaintiffs, and does not reasonably consider alternatives to such a drastic step. To the extent Defendants purport to have the discretion to determine whether to fund SNAP benefits using alternative appropriations, including the contingency reserve, the suspension of SNAP benefits

constitutes an abuse of that discretion in violation of 5 U.S.C. § 706(2)(A).

Second, Plaintiffs will suffer immediate and irreparable harm if the SNAP suspension is permitted to move forward. Among other harms, the suspension will cause widespread harm in Plaintiffs' administration of this food safety net program. Meanwhile, the food insecurity caused by a disruption in SNAP benefits will harm Plaintiffs' provision of other governmental services, including emergency medical care and education. These harms are devastating and have cascading effects throughout Plaintiffs' governmental functions.

Third, the balance of equities and the public interest weigh in favor of a temporary restraining order. Here, the public consequences stemming from this action cannot be overstated. Millions of Plaintiffs' residents will suffer hunger without SNAP benefits to pay for food, with ramifications across state healthcare systems, the agencies that administer these (and other) benefits, and other state benefits programs that will become overburdened through the abrupt cessation of SNAP payments. Defendants' assertion that such funds will not and cannot be made available do not demonstrate a comparable harm.¹

Wherefore, and for the reasons set forth in the accompanying memorandum of law, declarations, and evidence filed in support of this motion, Plaintiffs respectfully request that the Court immediately enter a temporary restraining order in the form set forth in the proposed order attached to this motion.

¹ Plaintiffs further request that the Court exercise its discretion to waive the requirement to post a bond under Rule 65(c). *See, e.g., Int'l Assoc. of Machinists & Aerospace Workers v. Eastern Airlines*, 925 F.2d 6, 9 (1st Cir. 1991) (finding "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."); *Silva Medeiros v. Martin*, 458 F. Supp. 3d 122, 130 (D.R.I. 2020) (district court waived the bond requirement where it would pose a hardship on petitioners and unduly restrict the federal rights at issue); *cf. Pineda v. Skinner Services, Inc.*, 22 F.4th 47, 57 (1st Cir. 2021) (district court did not abuse its discretion when it did not require low-wage laborers to post a bond).

Dated: October 28, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michelle Pascucci, certify that on October 28, 2025, I provided a copy of the foregoing document and all attachments to the following attorneys at the U.S. Department of Justice by electronic mail:

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LOCAL RULE 7.1 CERTIFICATE

I, Michelle Pascucci, certify that on October 28, 2025, I conferred with counsel for the government by teleconference, during which the parties were unable to resolve the dispute at issue in this motion.

/s/ Michelle Pascucci
Michelle Pascucci (BBO #690889)

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS; STATE OF CALIFORNIA; STATE OF ARIZONA; STATE OF MINNESOTA; STATE OF CONNECTICUT; STATE OF COLORADO; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF ILLINOIS; LAURA KELLY, in her official capacity as Governor of the State of Kansas; OFFICE OF THE GOVERNOR ex rel. Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; JOSH SHAPIRO, in his official capacity as Governor of the Commonwealth of Pennsylvania; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; and STATE OF WISCONSIN,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF AGRICULTURE; BROOKE ROLLINS, in her official capacity as U.S. Secretary of Agriculture; U.S. OFFICE OF MANAGEMENT AND BUDGET; RUSSELL VOUGHT, in his official capacity as Director of the U.S. Office of Management and Budget; and UNITED STATES OF AMERICA,

Defendants.

Case No. 1:25-cv-13165

[PROPOSED] TEMPORARY RESTRAINING ORDER

This matter comes before the Court on the Motion for a Temporary Restraining Order of Plaintiffs.¹ Having reviewed Plaintiffs' Complaint, Motion, Memorandum of Law, Declarations

¹ Commonwealth of Massachusetts; State of California; State of Arizona; State of Minnesota; State of Connecticut; State of Colorado; State of Delaware; District of Columbia; State of Hawaii; State of Illinois; Laura Kelly, in her official capacity as Governor of the State of Kansas; Office of the Governor, ex rel. Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky; State of Maine; State of Maryland; State of Michigan; State of Nevada; State of New Jersey; State of New Mexico; State of New York; State of North Carolina; State of Oregon; Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania; State of Rhode Island; State of Vermont; State of Washington; and State of Wisconsin.

and evidence in support of the Motion, as well as any papers filed in opposition to this Motion, and in accordance with Federal Rule of Civil Procedure 65, and for good cause shown, the Court finds that Plaintiffs have satisfied the requirements for the issuance of a temporary restraining order because: (1) Plaintiffs have established a substantial likelihood of success on the merits; (2) Plaintiffs will be irreparably harmed absent a temporary restraining order; and (3) the public interest and balance of the equities strongly favor entry of a temporary restraining order.

It is therefore ORDERED that:

- i. Defendants are temporarily enjoined from:
 - a. implementing, giving effect to, maintaining, or reinstating under a different name the directives in the October 10, 2025 Letter (“Supplemental Nutrition Assistance Program (SNAP) Benefit and Administrative Expense Update for November 2025”) or the October 24, 2025 Letter (“Supplemental Nutrition Assistance Program (SNAP) Benefit and Administrative Expense Update for November 2025”) as to Plaintiffs or as to the SNAP benefits administered by the Plaintiffs;
 - b. enforcing the directives in the October 10 or October 24 Letters against Plaintiffs, including by seeking penalties under 7 C.F.R. § 271.7(h) or initiating noncompliance proceedings under 7 U.S.C. § 2020(g).
- ii. Defendants must immediately take every step necessary to effectuate this Order, including clearing any administrative, operational, or technical hurdles to implementation, including but not limited to requesting or effectuating any necessary apportionment of these funds by the U.S. Office of Management and Budget or any submission or approval of an updated U.S. Department of Agriculture lapse plan.

- iii. Defendants shall file a status report with the Court within 24 hours of entry of this Order confirming their compliance with this Order.
- iv. Defendants shall provide notice of this Order within 24 hours of entry to all Defendants, their employees and anyone acting in concert with them.
- v. This Order shall become effective immediately upon entry by this Court. It shall remain in effect until further order of this Court.

SO ORDERED.

Dated: _____

The Honorable Indira Talwani
United States District Judge