

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI,)	
STATE OF ARKANSAS,)	
STATE OF FLORIDA,)	
STATE OF GEORGIA,)	
STATE OF NORTH DAKOTA,)	Civil Action No. 24-cv-520
STATE OF OHIO, and)	
STATE OF OKLAHOMA)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
JOSEPH R. BIDEN, Jr., in his official)	
capacity as President of the United States,)	
)	
MIGUEL A. CARDONA, in his official)	
capacity as Secretary, United States)	
Department of Education, and)	
)	
UNITED STATES DEPARTMENT OF)	
EDUCATION,)	
)	
<i>Defendants.</i>)	

**MOTION FOR A STAY OR IN THE ALTERNATIVE A
TEMPORARY RESTRAINING ORDER**

Under 5 U.S.C. § 705, Plaintiff States move for a stay of the Final Rule titled “Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan (FFEL) Program.” *See* 88 Fed. Reg. 43,820. In the alternative, Plaintiffs move for a temporary restraining order under Fed. R. Civ. P. 65 to enjoin Defendants from implementing or enforcing that rule. The Final Rule is scheduled for full implementation on July 1, 2024, but Defendants have started implementing certain parts early, including the part creating early loan forgiveness. *See id.* at 43,820–821. If the Court grants a TRO, the States ask that it remain in place as long as needed for the Court to rule on the States’ motion for a § 705 stay or

preliminary injunction. In support of this motion, the States rely on the arguments in the accompanying memorandum supporting both this motion and the motion for preliminary injunctive relief.

Date: April 16, 2024

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CERTIFICATE OF SERVICE & COMPLIANCE

I certify that on April 16, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, consistent with Federal Rule of Civil Procedure 5(b).

I further certify that the foregoing document contains 160 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine

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