

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT NAGO, IN HIS OFFICIAL
CAPACITY AS CHIEF ELECTIONS
OFFICER FOR THE STATE OF HAWAII,

Defendant.

CIV. NO. 25-00522 LEK-RT

ORDER DENYING DEFENDANT'S MOTION TO STAY

Plaintiff United States of America ("United States") filed its Complaint on December 11, 2025. [Dkt. nos. 1.] Defendant Scott T. Nago, in his official capacity as Chief Elections Officer for the State of Hawai'i ("Defendant"), was served on January 15, 2026. See Process Receipt and Return, filed 1/21/26 (dkt. no. 39) (reflecting service on Defendant); Process Receipt and Return, filed 1/21/26 (dkt. no. 40) (reflecting service on Anne E. Lopez, Attorney General for the State of Hawai'i). On February 2, 2026, Defendant filed a motion seeking a stay of this case, pending the resolution of two anticipated appeals in related cases ("Motion"). [Dkt. no. 44.] This matter is suitable for disposition without a hearing pursuant to Rule LR7.1(c) of the Local Rules of Practice for the United States District Court for the District of Hawaii ("Local

Rules"). Further, this Court finds that it is not necessary for the other parties to respond to the Motion. Defendant's Motion is denied for the reasons set forth below.

DISCUSSION

In the Complaint, the United States alleges that Defendant's refusal to comply with the United States' request for the production of election records violates Title III of the Civil Rights Act of 1960, specifically, Title 52 United States Code Section 20703. See Complaint at ¶¶ 16-29. The United States seeks, *inter alia*, an order compelling Defendant to provide an electronic copy of the Hawai'i voter registration list, including certain specific information. See id. at pg. 9, ¶ B.

Defendant argues the United States has made similar requests to almost every state in the country, and the United States has filed similar civil actions in more than twenty jurisdictions to obtain compliance with those requests. See Motion, Mem. in Supp. at 1 (citing United States v. Weber, No. 2:25-cv-09149-DOC-ADS, 2026 WL 118807, at *4 (C.D. Cal. Jan. 15, 2026)). Defendant represents that two district courts within the Ninth Circuit are "[t]he first two district courts to address these lawsuits on the merits," and those district courts "soundly rejected the United States' arguments." [Id.]

A district court in the Central District of California dismissed the United States' complaint and found that amendment

of the complaint would be futile. See United States v. Weber, Case No. 2:25-cv-09149-DOC-ADS, 2026 WL 118807 (C.D. Cal. Jan. 15, 2026). Defendant notes that a district court in the District of Oregon has orally granted the motions to dismiss the United States' complaint, with a written order to follow. See Motion, Mem. in Supp. at 7-8; see also United States v. Oregon et al., Case No. 6:25-cv-01666-MTK (D. Or.), Minutes of Proceeding, filed 1/26/26 (dkt. no. 68). Defendant anticipates that the United States will file an appeal in Weber and in Oregon. [Motion, Mem. in Supp. at 8.]

This Court acknowledges that it has the "inherent authority to stay federal proceedings pursuant to its docket management powers." See Chinaryan v. City of Los Angeles, 122 F.4th 823, 825 (9th Cir. 2024) (quotation marks and citation omitted). However, this Court declines to exercise that authority because Defendant merely speculates that the United States will file an appeal in Weber and in Oregon. Further, even if a notice of appeal is filed in one, or both, of those cases, this Court would not speculate about when the appeal(s) would be decided. This Court therefore finds that Defendant's Motion is premature and declines to address the merits of the Motion at this time.

CONCLUSION

For the foregoing reasons, Defendant's Motion to Stay, filed February 2, 2026, is HEREBY DENIED. The denial is WITHOUT PREJUDICE to the filing of a similar motion, if one later becomes appropriate based on the posture of the instant case and the posture of any appeal in Weber, Oregon, and/or another similar case.

Defendant is ORDERED to file its response to the Complaint by **February 18, 2026**.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, February 4, 2026.



/s/ Leslie E. Kobayashi

Leslie E. Kobayashi
Senior U.S. District Judge

**USA VS. SCOTT NAGO, ETC; CV 25-00522 LEK-RT; ORDER DENYING
DEFENDANT'S MOTION TO STAY**