

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 19 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

STATE OF CALIFORNIA; et al.,

Defendants - Appellees.

No. 26-926

D.C. No.

2:25-cv-10999-CAS-AJR

Central District of California,

Los Angeles

ORDER

Before: NGUYEN, BENNETT, and COLLINS, Circuit Judges.

The court has received the government’s emergency motion for an injunction pending appeal, which includes a request for a temporary “administrative injunction” pending full review of the emergency motion for an injunction pending appeal. Dkt. Nos. 4–5. The request for a temporary administrative injunction is GRANTED.

“The standard for evaluating an injunction pending appeal is similar to that employed by district courts in deciding whether to grant a preliminary injunction.” *Feldman v. Ariz. Sec’y of State’s Off.*, 843 F.3d 366, 367 (9th Cir. 2016) (en banc). “A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S.

7, 20 (2008).¹ We have evaluated these factors at this very preliminary stage of this appeal, and we conclude that the government has made a sufficient showing to warrant a temporary administrative injunction pending completion of full briefing on the government's emergency motion for an injunction pending appeal. We therefore grant a temporary administrative injunction, which will remain in effect until the court rules on the government's motion for an injunction pending appeal.

The State of California, Governor Gavin Newsom, and Attorney General Rob Bonta are enjoined, pending further order of this court, from applying or enforcing Section 10 of the No Vigilantes Act, S.B. 805, 2025 Gen. Assemb., Reg. Sess. (Cal. 2025) (codified at Cal. Penal Code § 13654), against federal agencies and officers.

The response to the emergency motion is due February 23, 2026 at 5:00 PM PST. The optional reply in support of the emergency motion is due February 26, 2026 at 5:00 PM PST.

The panel will hold oral argument on the emergency motion for an injunction pending appeal on March 3, 2026 at 10:00 AM PST at the Richard H. Chambers Courthouse in Pasadena, California.

¹ While the State of California opposed our granting the United States any relief, it noted: "At the very most, then, if this Court looked to the standards under Rule 65 for guidance in evaluating the federal government's unusual request, the Court could grant a time-limited administrative injunction that would expire in 14 days." Dkt. No. 8.