

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

STATE OF CALIFORNIA, *et al.*,

Plaintiffs-Appellees,

v.

Case No. 26-1506

STATE OF MISSOURI, STATE
OF ALABAMA, STATE OF
FLORIDA, STATE OF
INDIANA, STATE OF
KANSAS, STATE OF
LOUISIANA, STATE OF
MONTANA, STATE OF
NEBRASKA, STATE OF
OKLAHOMA, STATE OF
SOUTH CAROLINA, STATE
OF SOUTH DAKOTA, and
STATE OF TEXAS,

Proposed Intervener
Defendants – Appellants,

DONALD J. TRUMP, in his
official capacity as President of
the United States, *et al.*,

Defendants-Appellees.

MOTION TO DISMISS APPEAL AS MOOT

At the summary judgment and preliminary injunction hearing before the District Court on June 2, 2026, the District Court *sua sponte* granted Appellants permissive intervention in this case. Order, *California v. Trump*, 1:26-cv-11581-IT (D. Mass June 4, 2026), ECF 179. The District Court specifically noted that the federal government and Intervener States are making different arguments in defense of the Executive Order—and that this consideration justifies permissive intervention.

As a result, the order challenged by this appeal no longer has any effect. Thus, there is no effectual relief that this Court can offer, and this case is moot. *See ACLU of Mass. v. U.S. Conf. of Cath. Bishops*, 705 F.3d 44, 52–53 (1st Cir. 2013). Appellants respectfully request that this Court dismiss this appeal as moot pursuant to Federal Rule of Appellate Procedure 42(b)(2). Plaintiff States do not oppose this motion. The federal defendants take no position on this motion.

Date: June 4, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This filing complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(C) because, excluding the parts exempted by Fed. R. App. P. 32(f), it contains 152 words as determined by the word-counting feature of Microsoft Word 2016.

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CERTIFICATE OF SERVICE

I certify that on June 4, 2026, I electronically filed the foregoing motion with the Clerk of the Court by using the CM/ECF system, and that the CM/ECF system will accomplish service on all parties represented by counsel who are registered CM/ECF users. *See* Fed. R. App. P. 25(c)(2).

/s/ Louis J. Capozzi III