

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

STATE OF WASHINGTON, *et al.*,
Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *et al.*,
Defendants-Appellants.

NATIONAL ALLIANCE TO END HOMELESSNESS, *et al.*,
Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *et al.*,
Defendants-Appellants.

On Appeal from the United States District Court
for the District of Rhode Island

EMERGENCY MOTION FOR STAY PENDING APPEAL

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INTRODUCTION AND SUMMARY

The U.S. Department of Housing and Urban Development (HUD) and Secretary Scott Turner request a stay pending appeal of an injunction that the district court issued in December and then refused to modify despite intervening legislation that both fatally undermines the district court's limited merits reasoning and eliminates plaintiffs' irreparable harm. To afford the government sufficient time to accept applications and make new grants by July 1, 2026, as contemplated by Congress, we respectfully request relief no later than March 30.

Congress has authorized HUD, through the Continuum of Care (CoC) program, to provide funding to nonprofits and state and local governments assisting people experiencing homelessness. After determining that previous housing policies had failed to ameliorate a worsening homelessness crisis, HUD issued a notice of funding opportunity (NOFO) for the 2025 funding year in November 2025, replacing the two-year NOFO that HUD had previously issued in July 2024. Private organizations and states sued and sought emergency relief. In response, HUD withdrew the November 2025 NOFO and informed the district court that it was making revisions addressing certain of plaintiffs' concerns. The district court nonetheless proceeded to issue an oral preliminary injunction in December without any specific reasoning as to which elements of the November 2025 NOFO were unlawful. To make matters worse, the district court not only enjoined the withdrawn November 2025 NOFO but also prohibited HUD from giving effect to any other 2025 NOFO HUD might issue,

including the revised NOFO that HUD issued hours after the oral preliminary injunction and several days before the court's written injunction order. The preliminary injunction therefore forecloses HUD from implementing its December 2025 NOFO, even though the district court has never adjudicated the lawfulness of that NOFO, whether preliminarily or otherwise.

Worse still, the district court refused to dissolve its injunction after Congress enacted bipartisan legislation specifically contemplating that HUD could issue and rely on a 2025 NOFO. In addition to conclusively demonstrating the government's likelihood of success on the merits, that legislation addressed plaintiffs' fears of funding disruptions by providing for the renewal of grants expiring in the next few months. On the other side of the ledger, maintaining the preliminary injunction for another month will have the perverse effect of providing plaintiffs with permanent relief. Congress has directed that, if HUD has not awarded funds under a 2025 NOFO by July 1, 2026, HUD must noncompetitively renew the CoC grants expiring in the remainder of the year. To meet the July 1 deadline, HUD must open applications under the December 2025 NOFO by April 1. Without a stay, the preliminary injunction will thus deprive the government of adequate time to complete a grantmaking process under the December 2025 NOFO by Congress's deadline.

STATEMENT

1. The grants at issue in this case arise under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11381 *et seq.*, and the 2009 Homeless Emergency Assistance

and Rapid Transition to Housing (HEARTH) Act, which amended the McKinney-Vento Act and consolidated a number of HUD’s competitive grant programs on homelessness into the CoC program. *See* HEARTH Act, Pub. L. No. 111-22, §§ 1301-1306, 123 Stat. 1632, 1680-96 (2009), *codified at* 42 U.S.C. §§ 11381-11388. Since then, Congress has appropriated, and HUD has granted, funds under the CoC program to meet Congress’s express purposes for the program, which include “optimiz[ing] self-sufficiency among individuals and families experiencing homelessness” and “provid[ing] funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness.” 42 U.S.C. § 11381. HUD awards CoC grants on a nationally competitive basis, using statutory selection criteria and “such other factors as the Secretary determines to be appropriate to carry out this part in an effective and efficient manner,” 42 U.S.C. § 11386a(b)(1)(G); *see also id.* § 11382(a).

2. In 2024, Congress authorized HUD to issue a two-year NOFO for the CoC program, encompassing the funds Congress appropriated in 2024 and any funds Congress would appropriate in 2025. *See* Consolidated Appropriations Act, 2024, Pub. L. No. 118-42, § 242, 138 Stat. 25, 386. HUD issued such a NOFO in July 2024 (2024 NOFO). HUD invited potential grantees to submit their applications by October 2024 and explained that applicants could submit one application for 2024 and 2025 funds.

See AR30.¹ HUD further provided that, if an applicant needed to submit a new application for 2025 funding—because it wished to reallocate its funding to create a new project, for example—it needed to do so by August 2025. See AR31. HUD “reserve[d] the right to modify this NOFO or issue a supplemental FY 2025 . . . NOFO if necessary (e.g., to accommodate a new . . . priority or new funding source).” AR31-32; see AR60. HUD announced its awards of 2024 funds in January 2025. See AR19.

In March 2025, Congress appropriated funds for the 2025 CoC program and gave HUD until September 30, 2027 to obligate those funds. See Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 119-4, § 1101, 139 Stat. 9, 12, 14. In July 2025, HUD announced that it intended to publish a new NOFO to govern competition for 2025 funding and invited applicants “to prepare for an application focused on treatment and recovery, reducing unsheltered homelessness, reducing returns to homelessness, and increasing the earned income of participants.” AR18. Later that summer, President Trump issued executive orders directing HUD to implement national policies and criteria to reduce homelessness and directing agencies to implement additional grant criteria to enhance federal program accountability. See Exec. Order 14,321, *Ending Crime and Disorder on America’s Streets*, 90 Fed. Reg. 35,817

¹ Citations to AR__ are to the administrative record. In *Washington v. HUD*, No. 25-cv-626 (D.R.I.), the administrative record is docketed at ECF 54 (AR1-4), ECF 72-2 (AR5-283), and ECF 76 (AR 284-1269). In *National Alliance to End Homelessness (NAEH) v. HUD*, No. 25-cv-636 (D.R.I.), the administrative record is docketed at ECF 44 (AR1-4), ECF 56-2 (AR5-283), and ECF 59 (AR 284-1269).

(July 24, 2025); Exec. Order 14,332, *Improving Oversight of Federal Grantmaking*, 90 Fed. Reg. 38,929 (Aug. 7, 2025). HUD published a new NOFO in November 2025 and requested applications by January 2026. *See* AR24; AR160.

3. Two sets of plaintiffs—a group of states and a group of private organizations—filed suit after the November 2025 NOFO was issued and sought a preliminary injunction. *See State of Washington v. HUD*, No. 25-cv-626 (D.R.I.); *NAEH v. HUD*, No. 25-cv-636 (D.R.I.).² In response, HUD withdrew the November 2025 NOFO to make revisions addressing some of plaintiffs’ concerns. *See* AR1-2.

Despite that withdrawal and HUD’s notice to the court that it would issue a revised NOFO within days, the district court proceeded to hold a hearing on December 19, and, in an oral order, preliminarily enjoined HUD from rescinding the 2024 NOFO and from giving effect to any other NOFO. The district court reflected its preliminary injunction in a brief written order four days later. *See* App. 1-3, 40-42.³ The order directed HUD to begin processing eligible renewals under the 2024 NOFO, although it did not require it to obligate funding or grant any specific renewals. *See* App. 2-3, 41-42. HUD began that process, with a plan to select (but not grant) 2025 awards under 2024 NOFO by the end of March 2026.

² The cases have been handled together in district court but not formally consolidated. The government has noticed appeals in both cases and is filing the same stay motion in both appeals.

³ Citations to App. ___ are to the appendix to this motion.

Meanwhile, later in the day on December 19, and before the court issued its written order, HUD issued a revised NOFO (the December 2025 NOFO) that removed some of the challenged requirements of the November 2025 NOFO, amended others, and added a severability provision. AR1251. Because the oral preliminary-injunction order had been issued earlier on the same day, HUD acknowledged that the December 2025 NOFO had no effect while the preliminary injunction was in place.

Plaintiffs filed amended complaints challenging both the December 2025 NOFO and HUD's decision to replace the 2024 NOFO. After jointly requesting expedited briefing and relief, the parties submitted cross-motions for summary judgment. Plaintiffs asked the court to order HUD to announce renewal awards by March 2 and announce awards based on new applications by March 31. *See* States' Summary Judgment Reply, ECF 84, at 45, *Washington v. HUD*, No. 25-cv-626 (D.R.I.); Private Plaintiffs' Motion for Summary Judgment, ECF 67, at 1, *NAEH v. HUD*, No. 25-cv-636 (D.R.I.).

4. On February 3, while summary-judgment briefing was underway, Congress passed a new appropriations act, which contains provisions governing the CoC program's use of 2025 and 2026 funds. *See* Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2026, Pub. L. No. 119-75, div. D, tit. II, 140 Stat. 173, H.R. 7148 at 250-51 (2026 Appropriations Act). As relevant here, the 2026 Appropriations Act directs HUD to either issue a 2025 NOFO or

noncompetitively renew existing CoC grants expiring over the course of 2026. *Id.* at 250, § 244. For CoC projects that have expired or will expire between January 1 and April 1, 2026, Congress directed HUD to renew those grants. For projects expiring later in the year, the 2026 Appropriations Act directs HUD to noncompetitively renew those projects only if HUD fails to award the funds under “a fiscal year 2025 notice of funding opportunity” by specified dates: April 1, 2026, for grants set to expire in the second quarter and July 1, 2026, for grants set to expire in the third and fourth quarters of 2026. *Id.* Congress further clarified that “such renewals shall not render recipients ineligible for awards under any fiscal year 2025 and fiscal year 2026 notices of funding opportunity” and that the “amounts remaining after all such renewals are made shall be competitively awarded pursuant to a notice of funding opportunity.” *Id.*

5. Following the passage of the 2026 Appropriations Act, plaintiffs informed the district court by email that they no longer sought a summary-judgment ruling by March. *See* Motion to Dissolve the Preliminary Injunctions, ECF 89, at 4 n.3, *Washington v. HUD*, No. 25-cv-626 (D.R.I.) (ECF 74 in *NAEH*). Without a summary-judgment ruling, the preliminary injunction would remain in effect, preventing HUD from meeting Congress’s deadlines to award funds under a 2025 NOFO and therefore requiring HUD to noncompetitively renew plaintiffs’ expiring CoC grants. For its part, HUD asked the district court to either dissolve the preliminary injunction in light of the 2026 Appropriations Act or rule on the summary-judgment motions by March 2. *Id.* at 3.

6. On February 27, the district court denied the motion to dissolve the preliminary injunction in a text order. App. 11-12, 50-51. In the court’s view, the 2026 Appropriations Act did not undermine plaintiffs’ showing of imminent, irreparable harm, because of “(1) the upheaval and service gaps that would result from the Defendants[’] attempt to vastly overhaul the funding selection criteria on an accelerated basis; and (2) the Defendants’ attempt to implement the December 2025 NOFO in light of the Court’s prior determination that Plaintiffs have a strong likelihood of success in their action contesting its legality.” *Id.* The district court has not yet acted on the pending, and fully briefed, summary-judgment motions.

7. The government appealed the denial of the motion to dissolve and sought a stay of the preliminary injunction pending appeal.⁴ The district court denied the stay motion in a text order. App. 17, 56.

ARGUMENT

A stay is warranted here, as HUD is likely to succeed on the merits of its appeal and the equities tip heavily in its favor. *See Nken v. Holder*, 556 U.S. 418, 426 (2009). The preliminary injunction irreparably harms HUD because it prevents HUD from giving effect to its 2025 NOFO and therefore prevents HUD from meeting the deadlines set

⁴ This Court has authority under the All Writs Act to issue a stay of the preliminary injunction pending appeal even though the order on appeal is the denial of a motion to dissolve that injunction, as staying the preliminary injunction would operate to preserve this Court’s jurisdiction over the pending appeal just as it would if the injunction itself were on appeal. *See* 28 U.S.C. § 1651(a).

by Congress to award funds under a 2025 NOFO. And the preliminary injunction does so even though no court has yet adjudicated any challenge to the merits of the December 2025 NOFO, preliminarily or otherwise. In light of Congress's confirmation that HUD can award funds based on a 2025 NOFO, there can be no legal basis for prohibiting HUD from even attempting to do so. Meanwhile, any imminent harm to plaintiffs has been eliminated, because Congress has provided that all CoC projects expiring in the first quarter of 2026 (and, as a practical matter, given the timing, in the second quarter as well) will be noncompetitively renewed. In other words, Congress has removed the risk of a potential funding gap. And to the extent that plaintiffs continue to maintain that there remains a risk of funding gaps in the second half of 2026, their grievance is with the policy judgment Congress made in the 2026 Appropriations Act, which the district court was not free to supplant.

I. The government is likely to prevail on its appeal.

The district court's preliminary injunction cannot survive the 2026 Appropriations Act and the district court therefore erred in refusing to dissolve it. Dissolution of a preliminary injunction "should depend on the same considerations that guide a judge in deciding whether to grant or deny a preliminary injunction in the first place." *Knapp Shoes, Inc. v. Sylvania Shoe Mfg. Corp.*, 15 F.3d 1222, 1225 (1st Cir. 1994); *Sindi v. El-Moslimany*, 896 F.3d 1, 29 (1st Cir. 2018) (noting that courts should dissolve an injunction when it is "no longer equitable or consistent with the public interest")

because courts have a “‘continuing duty and responsibility to assess’ an injunction’s ‘efficacy and consequences’” (quoting *Brown v. Plata*, 563 U.S. 493, 542 (2011)).

The preliminary injunction forbids HUD from giving effect to any 2025 NOFO. *See* App. 1-2, 40-41. But the 2026 Appropriations Act forecloses that result by expressly contemplating that HUD might award at least some, and possibly most, of its 2025 funds under a 2025 NOFO. *See* H.R. 7148 at 250, § 244; McKenney Decl. in Support of HUD’s Motion for Summary Judgment, ECF 83-1, at 2, 5, *Washington v. HUD*, No. 25-cv-626 (D.R.I.) (reflecting that only around 10% of CoC grants eligible for renewal were expiring in the first quarter of 2026) (ECF 68-1 in *NAEH*). As explained, the act requires HUD to noncompetitively renew CoC grants expiring in the first quarter of 2026. H.R. 7148 at 250-51, § 244. Indeed, HUD is in the process of doing so for both first and second quarter renewals. Under the act, however, HUD need only noncompetitively renew grants expiring later in the year if it has not awarded funds under a 2025 NOFO by the 2026 deadlines set by Congress. *See id.* Congress has thus confirmed that HUD has the authority and flexibility to modify or rescind the two-year 2024 NOFO and to issue a NOFO for 2025. The preliminary injunction thus thwarts Congress’ judgment as to HUD’s freedom to award 2025 funds under a 2025 NOFO.

The district court’s disagreement with Congress’s judgment forms the only basis for the preliminary injunction at issue here. No court has adjudicated the lawfulness of the December 2025 NOFO, preliminarily or otherwise. To the contrary, the district court’s oral preliminary-injunction order preceded the December 2025 NOFO, and the

court's written preliminary-injunction order provided no substantive reasoning for its conclusion that HUD should not be permitted to give effect to any 2025 NOFO. *See* App. 1-3, 40-42. Nor did the district court's text order denying HUD's motion to dissolve address the lawfulness of the December 2025 NOFO; to the contrary, the court merely cross-referenced its prior ruling as if that earlier ruling had addressed the December 2025 NOFO, which it plainly had not. *See* App. 11-12, 50-51. And the district court's text order made no reference to the effect of the 2026 Appropriation Act. As a result, the district court's preliminary injunction continues to bar HUD from giving effect to its 2025 NOFO, published over two months ago, despite the absence of any analysis, at any stage, of that NOFO, and despite the fact that Congress has authorized HUD to award funds under a 2025 NOFO.

Absent a stay, the preliminary injunction will remain in effect until the district court rules on the parties' summary-judgment motions. And HUD has explained, with a declaration that neither plaintiff nor the district court has attempted to controvert, if it is not able, by April 1, to give effect to its December 2025 NOFO by at the very least beginning to accept applications, it anticipates that it will not be able to meet Congress's July 1 deadline and will have to noncompetitively renew the rest of the year's grants. App. 9, 48 (McKenney Decl. ¶¶ 5, 7). Its work on the 2025 NOFO will be nullified and Congress's desire that HUD have the opportunity to award most of the 2025 funds under a 2025 NOFO will be thwarted because of the court's injunction. In short, it was

legal error for the court to enjoin—and to refuse to dissolve an injunction against—a NOFO without ever addressing that NOFO’s legality.

Plaintiffs’ arguments about particular purported defects in the December 2025 NOFO are without merit, but they can be resolved by the district court in the first instance, as they have been addressed in detail in the parties’ summary-judgment motions. *See* HUD’s Motion for Summary Judgment, ECF 83, at 45-78, *Washington v. HUD*, No. 25-cv-626 (D.R.I.) (ECF 68 in *NAEH*); HUD’s Summary Judgment Reply, ECF 87, at 15-45, *Washington v. HUD*, No. 25-cv-626 (D.R.I.) (ECF 72 in *NAEH*). The government’s sole and simple point here is that a federal court cannot enjoin an agency action before it even considers the legality of that agency action. That alone suffices to stay the injunction.

II. The equitable factors favor a stay pending appeal.

Regardless of the correctness of the district court’s balancing of the equities at the time it issued its injunction, following the injunction’s issuance the equitable factors have tipped heavily toward HUD and therefore favor a stay pending appeal.

Any irreparable harm that plaintiffs might have risked at the time of the preliminary injunction has dissipated and can no longer provide the basis for equitable relief. “[I]rreparable harm constitutes a necessary threshold showing for an award of preliminary injunctive relief.” *Charlesbank Equity Fund II v. Blinds to Go, Inc.*, 370 F.3d 151, 162 (1st Cir. 2004). That harm must be immediate, *see Matos ex rel. Matos v. Clinton*

Sch. Dist., 367 F.3d 68, 74 (1st Cir. 2004), and must be “independent” of plaintiffs’ claims on the merits, *Charlesbank Equity Fund II*, 370 F.3d at 162 (emphasis omitted).

The 2026 Appropriations Act forecloses the conclusion that plaintiffs face immediate, irreparable harm. In issuing the preliminary injunction, the district court found that plaintiffs would be irreparably harmed by the potential gap in funding that might result from delaying grant renewals. Congress has now addressed that potential harm by providing a staggered timeline for grant renewals, starting with awards expiring in the first quarter of this year. Congress thus provided a scheme that, in its judgment, balances HUD’s discretion to issue CoC awards pursuant to a new NOFO against the risk of funding gaps for programs with grant awards that expire at different points in 2026. As a result of the staggered deadlines in the 2026 Appropriations Act, the CoC grants expiring in the first two quarters of 2026 will be noncompetitively renewed no matter what happens in this litigation. App. 9, 48 (McKenney Decl. ¶ 5).

And allowing HUD to invite applications under the new NOFO will not cause any irreparable harm to plaintiffs, which would arise only if grants were finally awarded under that NOFO. There is no reasonable prospect that grants will need to be awarded under that NOFO before the district court has an opportunity to rule on the fully briefed summary-judgment motions and thus issue a final judgment; to the contrary, until Congress enacted legislation changing the status quo, plaintiffs themselves were pushing for the district court to issue final judgment earlier this month. And in any event, to the extent that plaintiffs continue to maintain that the preliminary injunction

is necessary to guard against the risk of funding gaps starting on July 1, 2026, their concern is with the staggered scheme in the 2026 Appropriations Act. Where, as here, Congress has spoken, this Court is “not free to ignore that judgment and rewrite the statute to include a [different] timetable.” *See In re Am. Fed’n of Gov’t Emps., AFL-CIO*, 837 F.2d 503, 506 (D.C. Cir. 1988).

Meanwhile, the harm to HUD only increases as time passes. As long as the preliminary injunction is in place, HUD cannot even begin implementing the December 2025 NOFO by opening the application process. And HUD anticipates that it will not be able to meet the July 1 deadline if it cannot open the application process by April 1. App. 9, 48 (McKenney Decl. ¶¶ 5, 7). As a result, maintaining the preliminary injunction for another month will effectively provide plaintiffs with the permanent relief they seek in the litigation, and prevent HUD from exercising its policy judgment as to how to use the 2025 CoC funds.

Any time the government “is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” *Trump v. CASA, Inc.*, 606 U.S. 831, 860-61 (2025) (quoting *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers)); *see also District 4 Lodge of the Int’l Assoc. of Machinists & Aerospace Workers Local Lodge 207 v. Raimondo*, 18 F.4th 38, 47 (1st Cir. 2021) (citing *King* for the same proposition). The harm is particularly acute here because Congress has spoken directly to the question at hand. Where, as here, the executive and legislative branches are working in tandem to “further broad policy objectives”

pursuant to the broad spending power Congress enjoys, *South Dakota v. Dole*, 483 U.S. 203, 206 (1987) (citation omitted), continuing to stymie HUD’s exercise of its congressionally endorsed authority represents an especially severe continuing injury to the agency and the public interest, *see Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24–25 (2008) (noting the “great deference” given to a coordinate branch of government operating within the core of its constitutional authority (citation omitted)).

The public interest further supports staying the injunction. *See Nken*, 556 U.S. at 435 (noting that the public interest and the harm to the government merge in cases involving the government). HUD seeks to implement the policy approach that it deems best suited to addressing an ongoing homelessness crisis that has seen years of increasingly negative outcomes for the very people the CoC program is meant to protect. Restoring HUD’s flexibility to implement its policy priorities to address this crisis is thus in the public interest. In sum, the balance of equities and the public interest have tilted heavily in HUD’s favor since the issuance of the preliminary injunction.

CONCLUSION

For the foregoing reasons, the Court should grant a stay pending appeal.

Respectfully submitted,

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MARCH 2026

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 3,917 words. This motion also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Word for Microsoft 365 in Garamond 14-point font, a proportionally spaced typeface.

s/ Sarah Clark Griffin

Sarah Clark Griffin

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2026, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

s/ Sarah Clark Griffin

Sarah Clark Griffin

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
STATE OF WASHINGTON, <i>et al.</i> ,)	
Plaintiffs,)	
)	
v.)	C.A. No. 1:25-cv-00626-MSM-AEM
)	
UNITED STATES DEPARTMENT OF)	
HOUSING AND URBAN)	
DEVELOPMENT, <i>et al.</i> ,)	
Defendants.)	
_____)	

**ORDER FOR RELIEF UNDER 5 U.S.C. § 705 AND
FOR PRELIMINARY INJUNCTION**

Mary S. McElroy, United States District Judge.

Upon consideration of the Plaintiffs’ Motion for Preliminary Injunction and/or for Preliminary Relief under 5 U.S.C. § 705 (ECF Nos. 11, 49), the Court concludes that Plaintiffs have established a strong likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favor the Plaintiffs. The Court made these findings based on Plaintiffs’ Motions for Preliminary Relief and accompanying declarations as well as the hearing held on December 19, 2025. Therefore, for good cause shown, and for the reasons stated at that hearing, the Court GRANTS the Plaintiffs’ Motion for Preliminary Relief. It is:

1. ORDERED that the Plaintiffs’ Motion for Preliminary Relief are GRANTED; it is further
2. ORDERED that, to preserve the status quo ante, the Department of Housing and Urban Development’s (“HUD”) rescission of the notice of funding

opportunity entitled “FY 2024 and FY 2025 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program” (“FY24-25 NOFO”) is STAYED under 5 U.S.C. § 705 and PRELIMINARILY ENJOINED; it is further

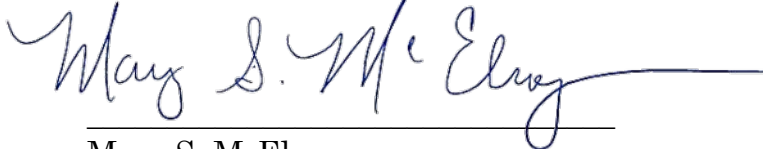
3. ORDERED that the FY 2025 Continuum of Care Competition and Youth Homeless Demonstration Program Grants NOFO (“2025 NOFO”) is STAYED under 5 U.S.C. § 705 and PRELIMINARILY ENJOINED; it is further
4. ORDERED that the Challenged Conditions¹ in the 2025 NOFO are STAYED under 5 U.S.C. § 705 and PRELIMINARILY ENJOINED; it is further
5. ORDERED that, pursuant to 5 U.S.C. § 705, the Court’s inherent equitable authority, and the All Writs Act, 28 U.S.C. § 1651, to preserve the status quo ante, Defendants, their employees, and anyone acting in concert with them, are and until further order of this Court PRELIMINARILY ENJOINED from giving effect to any existing or forthcoming agency action to further rescind or replace the FY24-25 NOFO, including by enforcing any deadlines in any other NOFO, accepting and processing applications under any other NOFO, or giving effect to any other NOFO to award FY2025 grants for the Continuum of Care (CoC) program; it is further
6. ORDERED that Defendants must preserve the status quo ante that existed under the FY24-25 NOFO, including by taking all steps necessary to process

¹ The Challenged Conditions as identified by Plaintiffs and listed at Appendix A of this Order.

eligible renewals for FY 2025 CoC funding pursuant to the FY24-25 NOFO, but excluding the obligation of funding and the granting of any specific renewals; it is further

7. ORDERED that Defendants, within one business day of this Order, file a notice confirming they have informed all relevant federal officials, including Defendants and their officers, agents, servants, employees, and attorneys, of this Order; it is further
8. ORDERED that Defendants, by no later than December 30, 2025, file a report that sets forth any steps necessary to process eligible renewals for FY 2025 CoC funding under the FY2024-2025 NOFO and Defendants' expected timeline; it is further
9. ORDERED that Defendants, within fourteen days of entry of this Order, shall inform recipients of any steps they must take in order for eligible renewals to be processed, up to but not including the obligation of funding. Defendants should promptly file a notice confirming such communications were made.
10. The Court further finds that a bond is not mandatory under these circumstances and exercises its discretion not to require one at this time.

IT IS SO ORDERED.



Mary S. McElroy
United States District Judge
December 23, 2025

APPENDIX A: CHALLENGED CONDITIONS

<u>Condition</u>	<u>Citation</u> <u>(25-cv-626)</u>
Cap on Funding of Permanent Housing Projects: “[N]o more than 30 percent of a CoC’s Annual Renewal Demand (ARD) under this NOFO will fund Permanent Housing projects, including PH-PSH, PH-RRH and Joint TH and PH-RRH projects.”	ECF No. 12-3 at 15.
Awarding Points for Requiring Participants to Enroll in Services: “[P]rogram participants are required to take part in [substance abuse treatment] services as a condition of continued participation in the program,” “the requirement for participation in substance abuse treatment,” and “the proposed project will require program participants to take part in supportive services (e.g. case management, employment training, substance use treatment).”	ECF No. 12-3 at 55, 62, 64, 77-80.
Tier 1 Cap of 30 Percent: “Tier 1 is set at 30 percent of the CoC’s Annual Renewal Demand (ARD).”	ECF No. 12-3 at 15.
Prohibition or Restriction on Applicants Who Recognize the Existence of Transgender, Gender Non-Conforming, and Intersex Individuals: “Awards made under this NOFO will not be used to . . . conduct activities that rely on or otherwise use a definition of sex as other than binary in humans” and “HUD reserves the right to reduce or reject a project application [if there is] evidence that the project has previously or currently . . . conduct[ed/s] activities that rely on or otherwise use a definition of sex other than as binary in humans.”	ECF No. 12-3 at 55, 65, 108.
Disadvantaging Programs that Provide Services for Mental and Substance-Abuse-Derived Disabilities: “[S]erve . . . individuals with a physical disability/impairment or a developmental disability . . . not including substance abuse disorder” and favors units that “will prioritize these populations.”	ECF No. 12-3 at 57, 61.
“Public Safety” Requirements: “CoCs must” cite “state or local law(s) that cover the CoC’s entire geographic area” that prohibit “public illicit drug use” and “public camping or loitering” and cite state and local protocols that enforce these prohibitions; “CoCs must” demonstrate utilization of standards like “involuntary commitment”; “CoCs must” indicate that the state	ECF No. 12-3 at 86-87.

<u>Condition</u>	<u>Citation</u> <u>(25-cv-626)</u>
implements and is compliant with the registration and notification obligations of the Sex Offender Registry and Notification Act; and “CoCs must” assist law enforcement in checking the location of homeless sex offenders, and cooperate with law enforcement in connecting violators of public camping or drug laws with services.	
Partnering with Law Enforcement: “[P]artner with first responders and law enforcement” to increase housing and services engagement.	ECF No. 12-3 at 83.
Assisting with Federal Immigration Enforcement: “[V]oluntarily, thoroughly, and demonstrably facilitat[ing] immigration status verification before distribution of benefits to all recipients” using the SAVE database.	ECF No. 12-3 at 88.
Reducing Number of Homeless Encampments: “[R]eduction in the number of encampments or the number of people residing in encampments by at least 20%.”	ECF No. 12-3 at 81.
DEI-Related Conditions: Applicants must “certify affirmatively” that they “will not engage in racial preferences or other forms of illegal discrimination”; HUD can reject an application if “the project has previously or currently conducts activities that subsidize or facilitate racial preferences or other forms of illegal discrimination.”	ECF No. 12-3 at 54-55, 65.
Harm Reduction Conditions: Applicants must “certify affirmatively” that they “will not operate drug injection sites or ‘safe consumption sites,’ knowingly distribute drug paraphernalia on or off of property under their control, permit the use or distribution of illicit drugs on property under their control, or conduct any of these activities under the pretext of ‘harm reduction’”; HUD can reject applicants based on “evidence that the project operates drug injection sites or ‘safe consumption sites,’ knowingly distributes drug paraphernalia on or off property under their control, permits the use or distribution of illicit drugs on property under their control, or conducts any of these activities under the pretext of ‘harm reduction.’”	ECF No. 12-3 at 54-55, 65.

<u>Condition</u>	<u>Citation</u> <u>(25-cv-626)</u>
Retroactive “Risk Review” Catchall: “Before making an award, HUD will evaluate each applicant’s . . . [h]istory of subsidizing or facilitating activities that conflict with the purposes of this NOFO.”	ECF No. 12-3 at 89.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF WASHINGTON, *et al.*,

Plaintiffs,
v.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, *et al.*,

Defendants.

AND

NATIONAL ALLIANCE TO END HOMELESSNESS,
et al.,

Plaintiffs,
v.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, *et al.*,

Defendants.

Case Nos. 25-cv-626
25-cv-636

District Judge Mary S. McElroy
Magistrate Judge Amy E. Moses

**DECLARATION OF CAITLYN J. MCKENNEY IN SUPPORT OF
DEFENDANTS' COMBINED MOTION TO DISSOLVE THE
DECEMBER 19, 2025 PRELIMINARY INJUNCTIONS**

I, Caitlyn J. McKenney, hereby declare as follows:

1. I am employed by the U.S. Department of Housing and Urban Development (“HUD”) as the Deputy Assistant Secretary (“DAS”) for Special Needs within the Office of Community Planning and Development (“CPD”). In this role, I oversee all programs in the Office of HIV/AIDS Housing and the Office of Special Needs, including HUD’s Continuum of Care (“CoC”) program. I have served in this capacity since December 28, 2025. Immediately before becoming the DAS and since I joined HUD on April 21, 2025, I served as a Policy Advisor for

CPD, where a major part of my role was helping steer the CoC program. I have been employed continuously at HUD since April 21, 2025.

2. My statements herein are based on my personal knowledge and/or my evaluation of information provided to me in my official capacity; on reasonable inquiry; information obtained from various records, systems, databases; or program employees and information portals maintained and relied upon by HUD in the regular course of business.

3. Congress’s February 3, 2026 enactment of the Consolidated Appropriations Act, 2026, fundamentally changes how FY2025 funding under HUD’s Continuum of Care (“CoC”) program will be distributed. *See* Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2026, Pub. L. No. 119-75, div. D., tit. II, 140 Stat. 173, H.R. 7148 at 209–51 (“2026 THUD Appropriations Act”); *see also id.* § 244, H.R. 7148 at 250–51. The THUD Act mandates that HUD “non-competitively renew for one 12-month period all” CoC projects “expiring during the first quarter of calendar year 2026,” *id.* § 244, H.R. 7148 at 250, and further provides that, should HUD fail to make awards under a 2025 NOFO prior to April 1, 2026, projects expiring in the second quarter will be noncompetitively renewed, *see id.* § 244, H.R. 7148 at 250–51. If HUD fails to make awards prior to July 1, 2026, projects expiring in the third and fourth quarters will also be noncompetitively renewed. *See id.*

4. Pursuant to the THUD Act, HUD is proceeding to noncompetitively renew projects expiring in the first quarter of 2026. HUD is also proceeding to noncompetitively renew CoC projects expiring in the second quarter of 2026. HUD is also aware that Congress imposed a deadline of July 1, 2026 by which HUD must make awards under “a fiscal year 2025 notice of funding opportunity” in order to avoid mandatory noncompetitive renewals for projects expiring in the third and fourth quarters of 2026. *See id.* § 244, H.R. 7148 at 250.

5. Given this Court’s December 19, 2025 preliminary injunctions, HUD will not be able to process applications and renewals under its enjoined December 2025 NOFO in time to meet the THUD Act’s April 1, 2026 deadline for second-quarter awards. Moreover, in order to have a chance of meeting the July 1, 2026 deadline for third and fourth quarter project awards under “a fiscal year 2025 notice of funding opportunity,” HUD must be able to open the December 2025 NOFO for applicants at the very latest by April 1, 2026.

6. HUD must leave at least 30 days for an application period, absent an emergency waiver under 42 U.S.C. § 3545(a)(3). There is also good reason to leave applications open for this long, since Collaborative Applicants need time to prepare their application and new projects may struggle to complete their project applications and any underlying planning with a shorter application window.

7. After applications close, HUD estimates that it will process applications for about several thousand new projects from nearly 400 CoCs. This involves conducting a merit review for each CoC and conducting threshold eligibility reviews, merit reviews, and risk reviews for each project as set out in the December 2025 NOFO.¹ HUD must also conduct threshold eligibility reviews and risk reviews for all renewal projects to determine whether there are any significant financial, performance, or compliance issues. HUD anticipates that this will take at least 50 days. This is shorter than what HUD indicated in the December 2025 NOFO, because renewals for projects expiring in Q1 and Q2 (about 37% of all projects) will have already been processed and awarded. Further, a threshold eligibility and risk review of renewal projects will have been completed under the Court’s Order for the remaining projects expiring in Q3 and Q4 and HUD

¹ Threshold eligibility reviews, merit reviews, and risk reviews for projects are neither unusual nor new to the December 2025 NOFO. Rather, these reviews are standard practice in NOFOs, including the FY2024-25 CoC NOFO at issue in this matter.

expects overlap between these recipients and those that will submit applications under the December 2025 NOFO. After scoring and reviews are complete, HUD must also prepare awards, including making necessary Fair Market Rent adjustments, conditioning any awards, and must notify Congress at least three days prior to announcing any awards. All in all, HUD anticipates that it will need the full amount of time from April 1, 2026, to finish all of this work and make awards by July 1, 2026.

8. I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 17th day of February 2026 in Washington, DC.

**CAITLYN
MCKENNEY** Digitally signed by
CAITLYN MCKENNEY
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Caitlyn J. McKenney

From: cmecf@rid.uscourts.gov
To: cmecfnef@rid.uscourts.gov
Subject: Activity in Case 1:25-cv-00626-MSM-AEM State of Washington et al v. United States Department of Housing and Urban Development et al Order on Motion for Miscellaneous Relief
Date: Friday, February 27, 2026 8:18:19 AM

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U.S. District Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was entered on 2/27/2026 at 8:17 AM EST and filed on 2/27/2026

Case Name: State of Washington et al v. United States Department of Housing and Urban Development et al

Case Number: [1:25-cv-00626-MSM-AEM](#)

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER: Before this Court is Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. [89]). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Responses in Opposition thereto. The Defendants seek to reopen the December 2025 Continuum of Care NOFO in order to solicit and issue awards pursuant to its terms for the third and fourth quarters of the funding cycle and argue that this Court's interim relief enjoining the December 2025 NOFO prevents it from doing so. In support of dissolving the injunction, Defendants assert, among other things, that Congress has eliminated the threatened harms faced by the Plaintiffs that prompted the Court to enjoin the December 2025 NOFO in the first instance. The Court disagrees and concludes that the Plaintiffs continue to face imminent, irreparable harm from: (1) the upheaval and service gaps that would result from the Defendants attempt to vastly overhaul the funding selection criteria on an accelerated basis; and (2) the Defendants' attempt to implement the December 2025 NOFO in light of the Court's prior determination that Plaintiffs have a strong likelihood of success in their action contesting its legality. *New York v. U.S. Dep't of Just.*, 804 F. Supp. 3d 294, 330 (D.R.I. 2025) ("In life-or-death scenarios times of crisis when someone faces domestic violence, homelessness, or a mental health crisis it practically goes without

saying that there can be no do over and no redress if services are unlawfully denied and someone suffers for it. That of course constitutes irreparable harm.") (cleaned up). As a result, the Court DENIES Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. [89]). So Ordered by District Judge Mary S. McElroy on 2/27/2026. (Potter, Carrie)

1:25-cv-00626-MSM-AEM Notice has been electronically mailed to:

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1:25-cv-00626-MSM-AEM Notice has been delivered by other means to:

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, *et al.*,

Defendants.

Case No. 25-cv-626-MSM-AEM

District Judge Mary S. McElroy
Magistrate Judge Amy E. Moses

NOTICE OF APPEAL

All Defendants in this action—U.S. Department of Housing and Urban Development and Eric Scott Turner, in his official capacity as Secretary of the U.S. Department of Housing and Urban Development—respectfully provide notice that they hereby appeal to the United States Court of Appeals for the First Circuit the Court’s February 27, 2026 Text Order denying Defendants’ February 17, 2026 Motion to Dissolve, ECF No. 89, the December 19, 2025 preliminary injunction order entered against Defendants.

DATE: March 2, 2026

Respectfully submitted,

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Civil Division

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Principal Deputy Assistant Attorney General
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Counsel to the Assistant Attorney General
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/s/ William S. Jankowski

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CERTIFICATE OF SERVICE

I certify that on March 2, 2026, the above document was filed with the CM/ECF filing system.

/s/ William S. Jankowski

From: cmecf@rid.uscourts.gov
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Subject: Activity in Case 1:25-cv-00626-MSM-AEM State of Washington et al v. United States Department of Housing and Urban Development et al Order on Motion to Stay
Date: Friday, March 6, 2026 6:39:44 PM

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U.S. District Court

District of Rhode Island

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The following transaction was entered on 3/6/2026 at 6:38 PM EST and filed on 3/6/2026

Case Name: State of Washington et al v. United States Department of Housing and Urban Development et al

Case Number: [1:25-cv-00626-MSM-AEM](#)

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER: Before the Court is Defendants' Combined Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. [93]). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Response in Opposition thereto. Notwithstanding Defendants' failure to appeal the Court's order providing Plaintiffs with injunctive relief, (ECF No. [68]), Defendants seek a stay of this preliminary relief pending their appeal of the Court's February 27, 2026 Text Order denying their Motion to Dissolve the December 19, 2025 Preliminary Injunctions. Text Order (Feb. 27, 2026). When evaluating whether to stay an order pending an appeal, the Court must consider: "(1) whether the stay applicant has made a strong showing that it is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Does 1-3 v. Mills*, 39 F.4th 20, 24 (1st Cir. 2022) (cleaned up). The Court concludes that Defendants have not met the aforementioned standard. Most notably, the Court concludes that its issuance of a stay at this juncture will substantially injure Plaintiffs by subjecting them to the upheaval and service gaps caused by Defendants' attempt to implement the December 2025 NOFO on an expedited basis. As a result, the Court DENIES Defendants' Combined

Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. [93]. So Ordered by District Judge Mary S. McElroy on 3/6/2026. (Potter, Carrie)

1:25-cv-00626-MSM-AEM Notice has been electronically mailed to:

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**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:25-cv-00626-MSM-AEM**

State of Washington et al v. United States Department of Housing
and Urban Development et al
Assigned to: District Judge Mary S. McElroy
Referred to: Magistrate Judge Amy E. Moses
Case in other court: First Circuit, 26-01217
Cause: 05:551 Administrative Procedure Act

Date Filed: 11/25/2025
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

State of Washington

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(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Rhode Island

represented by **Jordan G. Mickman**
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Plaintiff

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Plaintiff

State of California

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Plaintiff

State of Colorado

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Plaintiff

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Plaintiff

State of Delaware

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Plaintiff

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Plaintiff

State of Illinois

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Plaintiff

**Office of the Governor ex rel. Andy
Beshear**
*in His Official Capacity as Governor of the
Commonwealth of Kentucky*

represented by **Steven Travis Mayo**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Andrew R.W. Hughes
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Plaintiff

State of Minnesota

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ATTORNEY TO BE NOTICED

Plaintiff

State of New Jersey

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Plaintiff

State of Oregon

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Plaintiff

Josh Governor Shapiro
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Commonwealth of Pennsylvania*

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Plaintiff

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Plaintiff

State of Wisconsin

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Plaintiff

State of New Mexico

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V.

Defendant

**United States Department of Housing and
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ATTORNEY TO BE NOTICED

Defendant

Eric Scott Turner

*in His Official Capacity as Secretary of the
United States Department of Housing and
Urban Development*

represented by **John Bailey**

(See above for address)
ATTORNEY TO BE NOTICED

Pardis Gheibi

(See above for address)
ATTORNEY TO BE NOTICED

Peter Roni Goldstone

(See above for address)
ATTORNEY TO BE NOTICED

William S. Jankowski

(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/25/2025	1	COMPLAINT (filing fee paid \$ 405.00, receipt number ARIDC-2213743), filed by State of Rhode Island. (Attachments: # 1 Civil Cover Sheet, # 2 HUD Summons, # 3 Turner Summons)(Sabatini, Kathryn) (Entered: 11/25/2025)
11/25/2025		CASE CONDITIONALLY ASSIGNED to District Judge Mary S. McElroy and Magistrate Judge Amy E. Moses. Related Case Number 1:25-cv-447-MSM-AEM. Assignment based upon the indication on the cover sheet that a related case previously was assigned to the presiding judge. The assignment is subject to the presiding judge's determination that the cases, in fact, are related. (Gonzalez Gomez, Viviana) (Entered: 11/25/2025)
11/25/2025	2	CASE OPENING NOTICE ISSUED. (Gonzalez Gomez, Viviana) (Entered: 11/25/2025)
11/25/2025		TEXT ORDER: Pursuant to LR Gen 101(c), the Court suspends LR Gen 201(a) and any attorney employed by a State or the District of Columbia and is a member in good standing

		of the bar of another federal district court and each jurisdiction in which that attorney has been admitted may appear and practice in this matter without being admitted pro hac vice. Attorneys appearing on behalf of the States and the District of Columbia are directed to obtain filing privileges via PACER and to enter their appearances. So Ordered by District Judge Mary S. McElroy on 11/25/2025. (Potter, Carrie) (Entered: 11/25/2025)
11/25/2025	3	NOTICE of Appearance by Stephen Thompson on behalf of State of New York (Thompson, Stephen) (Entered: 11/25/2025)
11/25/2025	4	NOTICE of Appearance by Jonathan T. Rose on behalf of State of Vermont (Rose, Jonathan) (Entered: 11/25/2025)
11/25/2025	5	NOTICE of Appearance by Rabia Muqaddam on behalf of State of New York (Muqaddam, Rabia) (Entered: 11/25/2025)
11/25/2025	6	NOTICE of Appearance by Andrew R.W. Hughes on behalf of State of Washington (Hughes, Andrew) (Entered: 11/25/2025)
11/25/2025	7	NOTICE of Appearance by Cristina Sepe on behalf of State of Washington (Sepe, Cristina) (Entered: 11/25/2025)
11/25/2025	8	NOTICE of Appearance by Zane Muller on behalf of State of Washington (Muller, Zane) (Entered: 11/25/2025)
11/25/2025	9	NOTICE of Appearance by Colleen K. Faherty on behalf of State of New York (Faherty, Colleen) (Entered: 11/25/2025)
11/25/2025	10	NOTICE of Appearance by James C. Luh on behalf of State of Maryland (Luh, James) (Entered: 11/25/2025)
11/25/2025	11	MOTION for Preliminary Injunction filed by All Plaintiffs. Responses due by 12/9/2025. (Hughes, Andrew) (Entered: 11/25/2025)
11/25/2025	12	DECLARATION re 11 MOTION for Preliminary Injunction <i>Andrew R.W. Hughes</i> by All Plaintiffs. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Hughes, Andrew) (Entered: 11/25/2025)
11/25/2025	13	DECLARATION re 11 MOTION for Preliminary Injunction <i>Index of Declarations in Support of Plaintiff States' Motion for Preliminary Injunction</i> by All Plaintiffs. (Attachments: # 1 Nicholas Mondau, # 2 Richard Umholtz, # 3 Richard Johns, # 4 Alexandra Warren, # 5 Pascale Leone, # 6 Carol Ventura, # 7 Tyler Jaeckel, # 8 Nancy Navarretta, # 9 Matthew Heckles, # 10 Rachel Stucker, # 11 Jennifer Min, # 12 Christine Haley, # 13 Winifred (Wendy) Kaye Smith, # 14 Greg Payne, # 15 Sarah Squirrel, # 16 Danielle Meister, # 17 Karen R. Byron, # 18 Paula Kaiser Van Dam, # 19 Sarah Rennie, # 20 Jennifer Leimaile Ho, # 21 Janel Winter, # 22 Catherine Brewster, # 23 Marc Jolin, # 24 Stephanie Meyer, # 25 Richard P. Vilello, Jr., # 26 Lily Sojourner, # 27 Mark Staff, # 28 Zachary Olmstead, # 29 Meghan Marshall)(Hughes, Andrew) (Entered: 11/25/2025)
11/26/2025	14	NOTICE of Appearance by Neil Giovanatti on behalf of State of Michigan (Giovanatti, Neil) (Entered: 11/26/2025)
11/26/2025	15	NOTICE of Appearance by Jacob Boyer on behalf of Josh Governor Shapiro (Boyer, Jacob) (Entered: 11/26/2025)
11/26/2025	16	NOTICE of Appearance by Katherine Thompson on behalf of State of Maine (Thompson, Katherine) (Entered: 11/26/2025)
11/26/2025	17	NOTICE of Appearance by Aaron Dulles on behalf of Commonwealth of Massachusetts (Dulles, Aaron) (Entered: 11/26/2025)

11/26/2025	18	NOTICE of Appearance by David Moskowitz on behalf of State of Colorado (Moskowitz, David) (Entered: 11/26/2025)
11/26/2025	19	NOTICE of Appearance by Nora Q.E. Passamaneck on behalf of State of Colorado (Passamaneck, Nora) (Entered: 11/26/2025)
12/01/2025	20	Summons Issued as to Eric Scott Turner, United States Department of Housing and Urban Development. (Attachments: # 1 Summons Issued as to Turner) (Gonzalez Gomez, Viviana) (Entered: 12/01/2025)
12/01/2025	21	NOTICE of Appearance by Aleeza M. Strubel on behalf of State of Illinois (Strubel, Aleeza) (Entered: 12/01/2025)
12/01/2025	22	NOTICE of Appearance by Elena S Meth on behalf of State of Illinois (Meth, Elena) (Entered: 12/01/2025)
12/01/2025	23	NOTICE of Appearance by Andrea Alegrett on behalf of State of Washington (Alegrett, Andrea) (Entered: 12/01/2025)
12/02/2025	24	NOTICE of Appearance by Rosanna E. Gibson on behalf of State of Delaware (Gibson, Rosanna) (Entered: 12/02/2025)
12/02/2025	25	NOTICE of Appearance by Ian Liston on behalf of State of Delaware (Liston, Ian) (Entered: 12/02/2025)
12/02/2025		NOTICE of Hearing: Status Conference set for 12/5/2025 at 02:00 PM via Zoom before District Judge Mary S. McElroy. Counsel of record will receive Zoom information via email. The public can visit rid.uscourts.gov for additional information. (Potter, Carrie) (Entered: 12/02/2025)
12/02/2025		NOTICE of Hearing: Status Conference set for 12/5/2025 at 02:30 PM via Zoom before District Judge Mary S. McElroy. Zoom information sent to counsel via email. PLEASE NOTE TIME CHANGE ONLY. (Potter, Carrie) (Entered: 12/02/2025)
12/02/2025	26	NOTICE of Appearance by Michelle Rita Pascucci on behalf of Commonwealth of Massachusetts (Pascucci, Michelle) (Entered: 12/02/2025)
12/03/2025	27	NOTICE of Appearance by Joel Marrero on behalf of State of California (Marrero, Joel) (Entered: 12/03/2025)
12/03/2025	28	NOTICE of Appearance by Joel Marrero on behalf of State of California (Marrero, Joel) (Entered: 12/03/2025)
12/03/2025	29	NOTICE of Appearance by Joel Marrero on behalf of State of California (Marrero, Joel) (Entered: 12/03/2025)
12/03/2025	30	NOTICE of Appearance by Joel Marrero on behalf of State of California (Marrero, Joel) (Entered: 12/03/2025)
12/03/2025	31	NOTICE of Appearance by Joel Marrero on behalf of State of California (Marrero, Joel) (Entered: 12/03/2025)
12/03/2025	32	NOTICE of Appearance by Hayleigh S Crawford on behalf of State of Arizona (Crawford, Hayleigh) (Entered: 12/03/2025)
12/04/2025	33	NOTICE of Appearance by Scott P. Kennedy on behalf of State of Oregon (Kennedy, Scott) (Entered: 12/04/2025)
12/05/2025	34	NOTICE of Appearance by Pardis Gheibi on behalf of All Defendants (Gheibi, Pardis) (Entered: 12/05/2025)

12/05/2025	35	SUMMONS Returned Executed by State of Rhode Island. Eric Scott Turner served on 12/3/2025, answer due 12/24/2025; United States Department of Housing and Urban Development served on 12/3/2025, answer due 12/24/2025. (Attachments: # 1 Summons Executed - Eric Scott Turner)(Sabatini, Kathryn) (Entered: 12/05/2025)
12/05/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: In Chambers Conference held on 12/5/2025: M. Levin-Gesundheit, L. Labinger, K. Sabatini, P. Gheibi, Z. Muller, A. Romero, K. Hubbard, A. Alegrett, C. Flaxman, C. Crawford, S. Thompson, A. Getachew, C. Sepe, M. Gitoman, D. Hackett, A. Hughes, C. Faherty, G. Provost and K. Meyer Scott in attendance. Parties agree to convert Motion to Preliminary Injunction to a Motion for Temporary Restraining Order and a Preliminary Injunction. Court to hear Motion for TRO on 12/8/2025 at 3:30 pm. Responses to Motion to Preliminary Injunction due 12/15/2025 in both CV25-626 and CV25-636. Order to enter. (Zoom at 2:30 pm.) (Potter, Carrie) (Entered: 12/05/2025)
12/05/2025		Text Order: By agreement of the parties during the 12/5/2025 conference, the Court converts the Motion to Preliminary Injunction to a Motion for Temporary Restraining Order and a Preliminary Injunction. Court to hear Motion for TRO on 12/8/2025 at 3:30 pm. Responses to Motion for Preliminary Injunction due 12/15/2025 in both CV25-626 and CV25-636. So Ordered by District Judge Mary S. McElroy on 12/5/2025. (Potter, Carrie) (Entered: 12/05/2025)
12/05/2025		NOTICE of Hearing on Motion for Temporary Restraining Order. Motion Hearing set for 12/8/2025 at 03:30 PM via Zoom before District Judge Mary S. McElroy. Counsel shall use link previously provided via email. The public may view the hearing via the Court's YouTube stream. Please visit rid.uscourts.gov for more information. (Potter, Carrie) (Entered: 12/05/2025)
12/05/2025	36	NOTICE of Appearance by Jarrell Mitchell on behalf of State of California (Mitchell, Jarrell) (Entered: 12/05/2025)
12/05/2025	37	DECLARATION re 11 MOTION for Preliminary Injunction <i>Mary McGeown</i> by All Plaintiffs. (Hughes, Andrew) (Entered: 12/05/2025)
12/08/2025	38	NOTICE of Appearance by Peter Roni Goldstone on behalf of Eric Scott Turner, United States Department of Housing and Urban Development (Goldstone, Peter) (Entered: 12/08/2025)
12/08/2025	39	DECLARATION re 11 MOTION for Preliminary Injunction <i>Ruby Dhillon-Williams</i> by All Plaintiffs. (Hughes, Andrew) (Entered: 12/08/2025)
12/08/2025	40	DECLARATION re 11 MOTION for Preliminary Injunction <i>Ruby Dhillon-Williams</i> by All Plaintiffs. (Hughes, Andrew) (Entered: 12/08/2025)
12/08/2025	41	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>NOTICE OF WITHDRAWAL OF THE CHALLENGED 2025 NOTICE OF FUNDING OPPORTUNITY</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Gheibi, Pardis) (Entered: 12/08/2025)
12/08/2025	42	NOTICE of Appearance by Andrew M. Ammirati on behalf of State of Connecticut (Ammirati, Andrew) (Entered: 12/08/2025)
12/08/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: Motion Hearing held on 12/8/2025 11 MOTION for TRO: A. Getachew, A. Romero, A. Hughes, A. Fasanelli, C. Flaxman, C. Crawford, C. Flaherty, C. Sepe, K. Sabatini, K. Meyer-Scott, K. Bateman, L. Labinger, M. Gitomer, M. Levin-Gesundheit, P.R. Gladstone, P. Gheibi, S. Thompson, Z. Muller. Court addresses the parties; parties respond. Defendants advise that NOFO 25 has been withdraw. Parties argue. Defendants are to file their response to 11

		Motion for Preliminary Injunction by 12/15/2025. Replies are due 12/17/2025. Hearing to be held on 12/19/2025 at 10:00 am. Court orders HUD to file administrative record by 12/15/2025. Defense asks for additional time. Court declines to give additional time, however, if record not available, it must be addressed in response. Recess. (Court Reporter D. Veitch in Courtroom Zoom at 3:30 pm.) (Potter, Carrie) (Entered: 12/08/2025)
12/08/2025		NOTICE of Hearing on Motion 11 MOTION for Preliminary Injunction :Motion Hearing set for 12/19/2025 at 10:00 AM via Zoom before District Judge Mary S. McElroy. Counsel will receive Zoom link via email. The public may view the hearing via the Court's YouTube stream. Please visit rid.uscourts.gov for more information. (Potter, Carrie) (Entered: 12/08/2025)
12/08/2025	43	TRANSCRIPT ORDER for proceedings held on 12/8/2025 before Judge McElroy. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days. (Attachments: # 1 Email) (Gonzalez Gomez, Viviana) (Entered: 12/08/2025)
12/09/2025	44	TRANSCRIPT ORDER for proceedings held on 12/08/2025 before Judge Mary S. McElroy. Expedited Transcript selected. Transcript to be delivered within 7 calendar days.. (Bolan, Kevin) (Entered: 12/09/2025)
12/09/2025	45	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: 43 Transcript Order, 44 Transcript Order. Court Reporter/Transcriber: Denise Veitch. (Dias, Jennifer) (Entered: 12/09/2025)
12/10/2025	46	NOTICE of Appearance by Steven Travis Mayo on behalf of Office of the Governor ex rel. Andy Beshear (Mayo, Steven) (Entered: 12/10/2025)
12/10/2025	47	TRANSCRIPT of Motion for Temporary Restraining Order, held on December 8, 2025, before District Judge Mary S. McElroy. Court Reporter Denise P. Veitch, Telephone number (401) 752-7031. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. NOTICE TO COUNSEL: Redaction Requests must be filed for personal identifiers only. All other redactions must be requested by motion. For local policy and sample redaction request visit our website at www.rid.uscourts.gov and select Transcripts under the Case Information menu option. Redaction Request due 12/31/2025. Redacted Transcript Deadline set for 1/12/2026. Release of Transcript Restriction set for 3/10/2026. (Veitch, Denise) (Entered: 12/10/2025)
12/11/2025	48	AMENDED COMPLAINT against All Defendants, filed by Office of the Governor ex rel. Andy Beshear, State of Wisconsin, State of Connecticut, State of New York, State of New Jersey, State of Washington, State of Oregon, State of Minnesota, State of Maryland, State of Colorado, State of Rhode Island, District of Columbia, State of Maine, State of Vermont, Commonwealth of Massachusetts, State of Michigan, State of Delaware, State of Arizona, Josh Governor Shapiro, State of Illinois, State of California, State of New Mexico.(Hughes, Andrew) (Entered: 12/11/2025)
12/12/2025	49	MOTION for Leave to File Document <i>PLAINTIFF STATES MOTION FOR LEAVE TO SUPPLEMENT MOTION FOR PRELIMINARY INJUNCTION</i> filed by State of Washington. Responses due by 12/26/2025. (Attachments: # 1 Supplement Second Declaration of Nicholas Mondau, # 2 Supplement Declaration of Pascale Leone)(Hughes, Andrew) (Entered: 12/12/2025)
12/15/2025	50	NOTICE of Appearance by William S. Jankowski on behalf of All Defendants (Jankowski, William) (Entered: 12/15/2025)
12/15/2025	51	NOTICE of Appearance by John Bailey on behalf of All Defendants (Bailey, John) (Entered: 12/15/2025)

12/15/2025	52	NOTICE of Appearance by Anjana Samant on behalf of State of New Mexico (Samant, Anjana) (Entered: 12/15/2025)
12/15/2025	53	NOTICE of Appearance by Lauren Greenawalt on behalf of State of California (Greenawalt, Lauren) (Entered: 12/15/2025)
12/15/2025	54	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>PARTIAL ADMINISTRATIVE RECORD</i> (Gheibi, Pardis) (Entered: 12/15/2025)
12/15/2025	55	RESPONSE In Opposition to 11 MOTION for Preliminary Injunction , 49 MOTION for Leave to File Document <i>PLAINTIFF STATES MOTION FOR LEAVE TO SUPPLEMENT MOTION FOR PRELIMINARY INJUNCTION</i> filed by All Defendants. Replies due by 12/22/2025. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Gheibi, Pardis) (Entered: 12/15/2025)
12/15/2025	56	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>REGARDING TIMELINE OF THE ADMINISTRATIVE RECORD</i> (Gheibi, Pardis) (Entered: 12/15/2025)
12/16/2025		TEXT ORDER granting 49 Motion for Leave to File. So Ordered by District Judge Mary S. McElroy on 12/16/2025. (Potter, Carrie) (Entered: 12/16/2025)
12/17/2025	57	DECLARATIONS in Support of 11 MOTION for Preliminary Injunction by All Plaintiffs. (Attachments: # 1 Dec)(Potter, Carrie) (Entered: 12/17/2025)
12/17/2025	58	REPLY to Response re 55 Response to Motion, <i>Reply in Support of Motion for Preliminary Injunction</i> filed by All Plaintiffs. (Hughes, Andrew) (Entered: 12/17/2025)
12/17/2025	59	DECLARATION re 58 Reply to Response <i>Corrin Buchanan</i> by All Plaintiffs. (Hughes, Andrew) (Entered: 12/17/2025)
12/17/2025	60	DECLARATION re 58 Reply to Response <i>Sarita Nair</i> by All Plaintiffs. (Hughes, Andrew) (Entered: 12/17/2025)
12/18/2025	61	NOTICE of Appearance by Nita Kumaraswami Klunder on behalf of Commonwealth of Massachusetts (Klunder, Nita) (Entered: 12/18/2025)
12/19/2025	62	NOTICE of Appearance by Brian Jeffrey Bilford on behalf of State of California (Bilford, Brian) (Entered: 12/19/2025)
12/19/2025	63	TRANSCRIPT ORDER for proceedings held on 12/19/2025 before Judge McElroy. Daily Transcript selected. Transcript to be delivered following adjournment and prior to the normal opening hour of court on the following morning.. (Bolan, Kevin) (Entered: 12/19/2025)
12/19/2025	64	Joint MOTION to Expedite <i>Partial Summary Judgment Briefing</i> filed by All Defendants. Responses due by 1/2/2026. (Jankowski, William) (Entered: 12/19/2025)
12/19/2025	65	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: 63 Transcript Order,. Daily Transcript Ordered. Court Reporter/Transcriber: Denise Veitch. (Dias, Jennifer) (Entered: 12/19/2025)
12/19/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: Motion Hearing held on 12/19/2025 re 11 MOTION for Preliminary Injunction : Z. Muller, K. Bateman and J. Bailey arguing. Court questions the parties, parties respond. Parties argue motions. For reasons stated on the record, the Court grants the motions. Parties to prepare a proposed order. Recess. (Court Reporter D. Veitch in Courtroom Zoom at 10:00 am.) (Potter, Carrie) (Entered: 12/19/2025)

12/19/2025	66	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>NOTICE OF PUBLICATION OF NEW 2025 NOFO</i> (Attachments: # 1 Exhibit A (New 2025 NOFO), # 2 Exhibit B (New 2025 NOFO Website Publication)) (Jankowski, William) (Entered: 12/19/2025)
12/22/2025		NOTICE of Hearing: Status Conference set for 12/22/2025 at 02:00 PM via Zoom before District Judge Mary S. McElroy. This conference is for counsel only. Counsel to received zoom information via email. (Potter, Carrie) (Entered: 12/22/2025)
12/22/2025	67	TRANSCRIPT ORDER for proceedings held on 12/22/2025 before Judge Judge McElroy. Daily Transcript selected. Transcript to be delivered following adjournment and prior to the normal opening hour of court on the following morning.. (Bolan, Kevin) (Entered: 12/22/2025)
12/22/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: Status Conference held on 12/22/2025. J. Bailey, W. Jankowski, C. Faherty, C. Flaxman, C. Coggle, J. Whitaker, K. Hubbard, A. Leggett, A. Hughes, C. Crawford, A. Romero, M. Levin-Gesundheit, K. Sabatini, K. Bateman, A. Knowpfier, Z. Muller, A. Holcomb, A. Getachew, G. Provost, M. Gitoman, L. Arzy, A. Geroge, K. Narayan in attendance. (Zoom at 2:00 pm.) (Potter, Carrie) (Entered: 12/22/2025)
12/22/2025		TRANSCRIPT ORDER RESCINDED re: 67 Transcript Order, The Court Reporter certifies the transcript order is unable to be fulfilled for the following reasons: Hearing was not recorded. (Dias, Jennifer) (Entered: 12/22/2025)
12/23/2025	68	ORDER for Relief Under 5 U.S.C. § 705 and for Preliminary Injunction. So Ordered by District Judge Mary S. McElroy on 12/23/2025. (Attachments: # 1 Appendix) (Potter, Carrie) (Entered: 12/23/2025)
12/23/2025		TEXT ORDER granting 64 Motion to Expedite. 12/29/2025 - Defendants produce the remaining portion of the administrative record pertaining to the rescission of the FY24-FY25 CoC NOFO; 1/7/2026 - Plaintiffs' Motion for Summary Judgment; 1/16/2026 - Defendants' Combined Opposition and Cross-Motion for Summary Judgment; 1/23/2026 - Plaintiffs' Combined Reply and Opposition; 1/29/2026 - Defendants' Reply. So Ordered by District Judge Mary S. McElroy on 12/23/2025. (Potter, Carrie) (Entered: 12/23/2025)
12/23/2025	69	NOTICE of Appearance by Leonard Giarrano, IV on behalf of State of Rhode Island (Giarrano, Leonard) (Entered: 12/23/2025)
12/23/2025	70	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>OF COMPLIANCE WITH PARAGRAPH 7 OF THE PRELIMINARY INJUNCTION ORDER</i> (Jankowski, William) (Entered: 12/23/2025)
12/29/2025	71	TRANSCRIPT of Motions for Preliminary Injunction, held on December 19, 2025, before District Judge Mary S. McElroy. Court Reporter Denise P. Veitch, Telephone number (401)752-7031. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. NOTICE TO COUNSEL: Redaction Requests must be filed for personal identifiers only. All other redactions must be requested by motion. For local policy and sample redaction request visit our website at www.rid.uscourts.gov and select Transcripts under the

		Case Information menu option. Redaction Request due 1/20/2026. Redacted Transcript Deadline set for 1/29/2026. Release of Transcript Restriction set for 3/30/2026. (Veitch, Denise) (Entered: 12/29/2025)
12/29/2025	72	ADMINISTRATIVE RECORD filed (<i>Partial Administrative Record regarding rescission of FY24-25 NOFO</i>) by Eric Scott Turner, United States Department of Housing and Urban Development. (Attachments: # 1 Index, # 2 Partial Administrative Record (Rescission of FY24-25 NOFO))(Jankowski, William) (Entered: 12/29/2025)
12/30/2025	73	Joint MOTION to Amend/Correct <i>Schedule for Expedited Summary Judgment Briefing</i> filed by All Defendants. Responses due by 1/13/2026. (Jankowski, William) (Entered: 12/30/2025)
12/30/2025	74	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>OF COMPLIANCE WITH PARAGRAPH 8 OF THE PRELIMINARY INJUNCTION ORDER</i> (Attachments: # 1 Exhibit A (FY24-25 CoC NOFO Implementation Plan))(Jankowski, William) (Entered: 12/30/2025)
12/30/2025	75	TRANSCRIPT ORDER for proceedings held on December 19, 2025 before Judge Mary S. McElroy. Daily Transcript selected. Transcript to be delivered following adjournment and prior to the normal opening hour of court on the following morning.. (Muller, Zane) (Entered: 12/30/2025)
12/31/2025	76	ADMINISTRATIVE RECORD filed by Eric Scott Turner, United States Department of Housing and Urban Development. (Attachments: # 1 Supplement Administrative Record, part 2, # 2 Supplement Administrative Record, part 3, # 3 Supplement Administrative Record, part 4, # 4 Supplement Administrative Record, part 5, # 5 Affidavit Certification of Administrative Record, # 6 Appendix Index to Administrative Record)(Goldstone, Peter) (Entered: 12/31/2025)
01/06/2026	77	Joint MOTION for an Extension of Time to File <i>NOTICE OF COMPLIANCE WITH PARAGRAPH 9 OF THE PRELIMINARY INJUNCTION ORDER</i> filed by All Defendants. Responses due by 1/20/2026. (Jankowski, William) (Entered: 01/06/2026)
01/06/2026		TEXT ORDER granting 77 Motion for Extension of Time. So Ordered by District Judge Mary S. McElroy on 1/6/2026. (Potter, Carrie) (Entered: 01/06/2026)
01/08/2026	78	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>OF COMPLIANCE WITH PARAGRAPH 9 OF THE PRELIMINARY INJUNCTION ORDER</i> (Attachments: # 1 Exhibit A (FY24-25 CoC NOFO Update to Recipients))(Jankowski, William) (Entered: 01/08/2026)
01/09/2026		TEXT ORDER granting 73 Motion to Amend/Correct. 1/14/2026 - State Plaintiffs' Second Amended Complaint and NAEH Plaintiffs' First Amended Complaint and Plaintiffs' Motions for Summary Judgment on all claims; 1/23/2026 - Defendants' Combined Opposition and Cross-Motion for Summary Judgment on all claims; 1/30/2025 - Plaintiffs' Combined Reply and Opposition; 2/5/2026 - Defendants' Reply. So Ordered by District Judge Mary S. McElroy on 1/9/2026. (Potter, Carrie) (Entered: 01/09/2026)
01/12/2026	79	NOTICE by Eric Scott Turner, United States Department of Housing and Urban Development <i>OF REVISED IMPLEMENTATION PLAN IN COMPLIANCE WITH PARAGRAPH 8 OF THE PRELIMINARY INJUNCTION ORDER</i> (Attachments: # 1

		Exhibit A (Revised FY24-25 CoC NOFO Implementation Plan))(Jankowski, William) (Entered: 01/12/2026)
01/14/2026	80	AMENDED COMPLAINT : <i>Second Amended Complaint</i> against All Defendants, filed by Office of the Governor ex rel. Andy Beshear, State of Wisconsin, State of Connecticut, State of New York, State of New Jersey, State of Washington, State of New Mexico, State of Oregon, State of Minnesota, State of Maryland, State of Colorado, State of Rhode Island, District of Columbia, State of Maine, State of Vermont, Commonwealth of Massachusetts, State of Michigan, State of Delaware, State of Arizona, Josh Governor Shapiro, State of Illinois, State of California.(Hughes, Andrew) (Entered: 01/14/2026)
01/14/2026	81	MOTION for Summary Judgment filed by All Plaintiffs. Responses due by 1/28/2026. (Hughes, Andrew) (Entered: 01/14/2026)
01/22/2026	82	NOTICE of Appearance by Samuel B. Stratton on behalf of State of Vermont (Stratton, Samuel) (Entered: 01/22/2026)
01/23/2026	83	Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment</i> filed by All Defendants. Responses due by 2/6/2026. (Attachments: # 1 McKenney Declaration & Exhibit)(Jankowski, William) (Entered: 01/23/2026)
01/30/2026	84	RESPONSE In Support to 81 MOTION for Summary Judgment <i>and In Opposition to 83 Defendants' Cross-Motion for Summary Judgment</i> filed by All Plaintiffs. Replies due by 2/6/2026. (Hughes, Andrew) (Entered: 01/30/2026)
02/02/2026	85	Consent MOTION for an Extension of Time to File Response/Reply to February 6, 2026, filed by All Defendants. Responses due by 2/17/2026. (Jankowski, William) (Entered: 02/02/2026)
02/04/2026		TEXT ORDER granting 85 Motion for Extension of Time to File. Set/reset deadlines: 83 Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment</i> & 81 MOTION for Summary Judgment - Responses due by 2/6/2026. So Ordered by District Judge Mary S. McElroy on 2/4/2026. (Potter, Carrie) (Entered: 02/04/2026)
02/05/2026	86	NOTICE by Commonwealth of Massachusetts, District of Columbia, Office of the Governor ex rel. Andy Beshear, Josh Governor Shapiro, State of Arizona, State of California, State of Colorado, State of Connecticut, State of Delaware, State of Illinois, State of Maine, State of Maryland, State of Michigan, State of Minnesota, State of New Jersey, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, State of Wisconsin <i>NOTICE REGARDING RECENT DEVELOPMENT RELEVANT TO PLAINTIFFS PENDING MOTIONS FOR SUMMARY JUDGMENT</i> (Hughes, Andrew) (Entered: 02/05/2026)
02/06/2026	87	REPLY to Response re 84 Response to Motion, <i>in Support of Defendants' 83 Cross-Motion for Summary Judgment</i> filed by All Defendants. (Jankowski, William) (Entered: 02/06/2026)
02/17/2026	88	NOTICE of Appearance by Aliana Claire Knoepfler on behalf of State of Washington (Knoepfler, Aliana) (Entered: 02/17/2026)
02/17/2026	89	Emergency MOTION TO DISSOLVE the December 19, 2025 Preliminary Injunctions filed by All Defendants. Responses due by 3/3/2026. (Attachments: # 1 Exhibit A (Defendants' Cross-Motion for Summary Judgment & Opposition), # 2 Exhibit B (Defendants' Reply in Support of Cross-Motion for Summary Judgment), # 3 Exhibit C (McKenney Declaration))(Jankowski, William) (Entered: 02/17/2026)
02/18/2026		TEXT ORDER: Plaintiffs are ordered to file by February 23, 2026 an opposition (if any) to the Defendants' Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF

		No. 89). So Ordered by District Judge Mary S. McElroy on 2/18/2026. (Potter, Carrie) (Entered: 02/18/2026)
02/23/2026	90	RESPONSE In Opposition to 89 Emergency MOTION TO DISSOLVE the December 19, 2025 Preliminary Injunctions filed by All Plaintiffs. Replies due by 3/2/2026. (Hughes, Andrew) (Entered: 02/23/2026)
02/23/2026	91	DECLARATION re 90 Response to Motion of <i>Zane Muller</i> by All Plaintiffs. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Hughes, Andrew) (Entered: 02/23/2026)
02/27/2026		TEXT ORDER: Before this Court is Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. 89). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Responses in Opposition thereto. The Defendants seek to reopen the December 2025 Continuum of Care NOFO in order to solicit and issue awards pursuant to its terms for the third and fourth quarters of the funding cycle and argue that this Court's interim relief enjoining the December 2025 NOFO prevents it from doing so. In support of dissolving the injunction, Defendants assert, among other things, that Congress has eliminated the threatened harms faced by the Plaintiffs that prompted the Court to enjoin the December 2025 NOFO in the first instance. The Court disagrees and concludes that the Plaintiffs continue to face imminent, irreparable harm from: (1) the upheaval and service gaps that would result from the Defendants attempt to vastly overhaul the funding selection criteria on an accelerated basis; and (2) the Defendants' attempt to implement the December 2025 NOFO in light of the Court's prior determination that Plaintiffs have a strong likelihood of success in their action contesting its legality. <i>New York v. U.S. Dep't of Just.</i> , 804 F. Supp. 3d 294, 330 (D.R.I. 2025) ("In life-or-death scenarios times of crisis when someone faces domestic violence, homelessness, or a mental health crisis it practically goes without saying that there can be no do over and no redress if services are unlawfully denied and someone suffers for it. That of course constitutes irreparable harm.") (cleaned up). As a result, the Court DENIES Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. 89). So Ordered by District Judge Mary S. McElroy on 2/27/2026. (Potter, Carrie) (Entered: 02/27/2026)
03/02/2026	92	NOTICE OF APPEAL by Eric Scott Turner, United States Department of Housing and Urban Development as to Order on Motion for Miscellaneous Relief,,,,,, (No fee paid, USA, Waived by Statute, or IFP.) NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf/. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf Appeal Record due by 3/9/2026. (Jankowski, William) (Entered: 03/02/2026)
03/02/2026	93	Emergency MOTION to Stay <i>the December 19, 2025 Preliminary Injunction Pending Appeal</i> filed by All Defendants. Responses due by 3/16/2026. (Jankowski, William) (Entered: 03/02/2026)
03/02/2026	94	CLERK'S CERTIFICATE AND APPELLATE COVER SHEET: Abbreviated record on appeal consisting of notice of appeal, order(s) being appealed, and a certified copy of the district court docket report transmitted to the U.S. Court of Appeals for the First Circuit in accordance with 1st Cir. R. 11.0(b). 92 Notice of Appeal,,. (Attachments: # 1 Record on Appeal)(Hill, Cherelle) (Attachment 1 replaced on 3/2/2026) (Hill, Cherelle). (Entered: 03/02/2026)
03/02/2026		USCA Case Number 26-1217 for 92 Notice of Appeal,, filed by United States Department of Housing and Urban Development, Eric Scott Turner. (Hill, Cherelle) (Entered: 03/02/2026)

03/02/2026		TEXT ORDER : The plaintiff shall file a response, if applicable, to 93 Emergency MOTION to Stay <i>the December 19, 2025 Preliminary Injunction Pending Appeal</i> on or before 3/5/2026. So Ordered by District Judge Mary S. McElroy on 3/2/2026. (Potter, Carrie) (Entered: 03/02/2026)
03/02/2026	95	NOTICE of Appearance by Samantha Hall on behalf of District of Columbia (Hall, Samantha) (Entered: 03/02/2026)
03/05/2026	96	RESPONSE In Opposition to 93 Emergency MOTION to Stay <i>the December 19, 2025 Preliminary Injunction Pending Appeal</i> filed by All Plaintiffs. Replies due by 3/12/2026. (Hughes, Andrew) (Entered: 03/05/2026)
03/06/2026		TEXT ORDER: Before the Court is Defendants' Combined Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. 93). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Response in Opposition thereto. Notwithstanding Defendants' failure to appeal the Court's order providing Plaintiffs with injunctive relief, (ECF No. 68), Defendants seek a stay of this preliminary relief pending their appeal of the Court's February 27, 2026 Text Order denying their Motion to Dissolve the December 19, 2025 Preliminary Injunctions. Text Order (Feb. 27, 2026). When evaluating whether to stay an order pending an appeal, the Court must consider: "(1) whether the stay applicant has made a strong showing that it is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. <i>Does 1-3 v. Mills</i> , 39 F.4th 20, 24 (1st Cir. 2022) (cleaned up). The Court concludes that Defendants have not met the aforementioned standard. Most notably, the Court concludes that its issuance of a stay at this juncture will substantially injure Plaintiffs by subjecting them to the upheaval and service gaps caused by Defendants' attempt to implement the December 2025 NOFO on an expedited basis. As a result, the Court DENIES Defendants' Combined Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. 93). So Ordered by District Judge Mary S. McElroy on 3/6/2026.(Potter, Carrie) (Entered: 03/06/2026)

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
NATIONAL ALLIANCE TO END)	
HOMELESSNESS, <i>et al.</i> ,)	
Plaintiffs,)	
)	
v.)	C.A. No. 1:25-cv-00636-MSM-AEM
)	
UNITED STATES DEPARTMENT OF)	
HOUSING AND URBAN)	
DEVELOPMENT, <i>et al.</i> ,)	
Defendants.)	
_____)	

**ORDER FOR RELIEF UNDER 5 U.S.C. § 705 AND
FOR PRELIMINARY INJUNCTION**

Mary S. McElroy, United States District Judge.

Upon consideration of the Plaintiffs’ Motion for Preliminary Injunction and/or for Preliminary Relief under 5 U.S.C. § 705 (ECF No. 11), the Court concludes that Plaintiffs have established a strong likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favor the Plaintiffs. The Court made these findings based on Plaintiffs’ Motions for Preliminary Relief and accompanying declarations as well as the hearing held on December 19, 2025. Therefore, for good cause shown, and for the reasons stated at that hearing, the Court GRANTS the Plaintiffs’ Motion for Preliminary Relief. It is:

1. ORDERED that the Plaintiffs’ Motion for Preliminary Relief are GRANTED;
it is further
2. ORDERED that, to preserve the status quo ante, the Department of Housing

and Urban Development’s (“HUD”) rescission of the notice of funding opportunity entitled “FY 2024 and FY 2025 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program” (“FY24-25 NOFO”) is STAYED under 5 U.S.C. § 705 and PRELIMINARILY ENJOINED; it is further

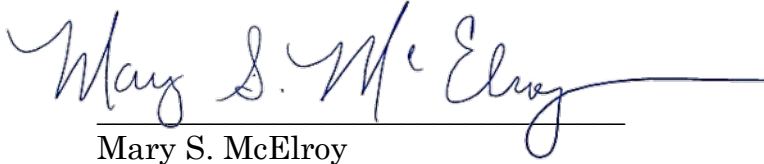
3. ORDERED that the FY 2025 Continuum of Care Competition and Youth Homeless Demonstration Program Grants NOFO (“2025 NOFO”) is STAYED under 5 U.S.C. § 705 and PRELIMINARILY ENJOINED; it is further
4. ORDERED that the Challenged Conditions¹ in the 2025 NOFO are STAYED under 5 U.S.C. § 705 and PRELIMINARILY ENJOINED; it is further
5. ORDERED that, pursuant to 5 U.S.C. § 705, the Court’s inherent equitable authority, and the All Writs Act, 28 U.S.C. § 1651, to preserve the status quo ante, Defendants, their employees, and anyone acting in concert with them, are and until further order of this Court PRELIMINARILY ENJOINED from giving effect to any existing or forthcoming agency action to further rescind or replace the FY24-25 NOFO, including by enforcing any deadlines in any other NOFO, accepting and processing applications under any other NOFO, or giving effect to any other NOFO to award FY2025 grants for the Continuum of Care (CoC) program; it is further
6. ORDERED that Defendants must preserve the status quo ante that existed

¹ The Challenged Conditions as identified by Plaintiffs and listed at Appendix A of this Order.

under the FY24-25 NOFO, including by taking all steps necessary to process eligible renewals for FY 2025 CoC funding pursuant to the FY24-25 NOFO, but excluding the obligation of funding and the granting of any specific renewals; it is further

7. ORDERED that Defendants, within one business day of this Order, file a notice confirming they have informed all relevant federal officials, including Defendants and their officers, agents, servants, employees, and attorneys, of this Order; it is further
8. ORDERED that Defendants, by no later than December 30, 2025, file a report that sets forth any steps necessary to process eligible renewals for FY 2025 CoC funding under the FY2024-2025 NOFO and Defendants' expected timeline; it is further
9. ORDERED that Defendants, within fourteen days of entry of this Order, shall inform recipients of any steps they must take in order for eligible renewals to be processed, up to but not including the obligation of funding. Defendants should promptly file a notice confirming such communications were made.
10. The Court further finds that a bond is not mandatory under these circumstances and exercises its discretion not to require one at this time.

IT IS SO ORDERED.



Mary S. McElroy
United States District Judge
December 23, 2025

APPENDIX A: CHALLENGED CONDITIONS

<u>Condition</u>	<u>Citation</u> <u>(25-cv-626)</u>
Cap on Funding of Permanent Housing Projects: “[N]o more than 30 percent of a CoC’s Annual Renewal Demand (ARD) under this NOFO will fund Permanent Housing projects, including PH-PSH, PH-RRH and Joint TH and PH-RRH projects.”	ECF No. 12-3 at 15.
Awarding Points for Requiring Participants to Enroll in Services: “[P]rogram participants are required to take part in [substance abuse treatment] services as a condition of continued participation in the program,” “the requirement for participation in substance abuse treatment,” and “the proposed project will require program participants to take part in supportive services (e.g. case management, employment training, substance use treatment).”	ECF No. 12-3 at 55, 62, 64, 77-80.
Tier 1 Cap of 30 Percent: “Tier 1 is set at 30 percent of the CoC’s Annual Renewal Demand (ARD).”	ECF No. 12-3 at 15.
Prohibition or Restriction on Applicants Who Recognize the Existence of Transgender, Gender Non-Conforming, and Intersex Individuals: “Awards made under this NOFO will not be used to . . . conduct activities that rely on or otherwise use a definition of sex as other than binary in humans” and “HUD reserves the right to reduce or reject a project application [if there is] evidence that the project has previously or currently . . . conduct[ed/s] activities that rely on or otherwise use a definition of sex other than as binary in humans.”	ECF No. 12-3 at 55, 65, 108.
Disadvantaging Programs that Provide Services for Mental and Substance-Abuse-Derived Disabilities: “[S]erve . . . individuals with a physical disability/impairment or a developmental disability . . . not including substance abuse disorder” and favors units that “will prioritize these populations.”	ECF No. 12-3 at 57, 61.
“Public Safety” Requirements: “CoCs must” cite “state or local law(s) that cover the CoC’s entire geographic area” that prohibit “public illicit drug use” and “public camping or loitering” and cite state and local protocols that enforce these prohibitions; “CoCs must” demonstrate utilization of standards like “involuntary commitment”; “CoCs must” indicate that the state	ECF No. 12-3 at 86-87.

<u>Condition</u>	<u>Citation</u> <u>(25-cv-626)</u>
implements and is compliant with the registration and notification obligations of the Sex Offender Registry and Notification Act; and “CoCs must” assist law enforcement in checking the location of homeless sex offenders, and cooperate with law enforcement in connecting violators of public camping or drug laws with services.	
Partnering with Law Enforcement: “[P]artner with first responders and law enforcement” to increase housing and services engagement.	ECF No. 12-3 at 83.
Assisting with Federal Immigration Enforcement: “[V]oluntarily, thoroughly, and demonstrably facilitat[ing] immigration status verification before distribution of benefits to all recipients” using the SAVE database.	ECF No. 12-3 at 88.
Reducing Number of Homeless Encampments: “[R]eduction in the number of encampments or the number of people residing in encampments by at least 20%.”	ECF No. 12-3 at 81.
DEI-Related Conditions: Applicants must “certify affirmatively” that they “will not engage in racial preferences or other forms of illegal discrimination”; HUD can reject an application if “the project has previously or currently conducts activities that subsidize or facilitate racial preferences or other forms of illegal discrimination.”	ECF No. 12-3 at 54-55, 65.
Harm Reduction Conditions: Applicants must “certify affirmatively” that they “will not operate drug injection sites or ‘safe consumption sites,’ knowingly distribute drug paraphernalia on or off of property under their control, permit the use or distribution of illicit drugs on property under their control, or conduct any of these activities under the pretext of ‘harm reduction’”; HUD can reject applicants based on “evidence that the project operates drug injection sites or ‘safe consumption sites,’ knowingly distributes drug paraphernalia on or off property under their control, permits the use or distribution of illicit drugs on property under their control, or conducts any of these activities under the pretext of ‘harm reduction.’”	ECF No. 12-3 at 54-55, 65.

<u>Condition</u>	<u>Citation</u> (25-cv-626)
Retroactive “Risk Review” Catchall: “Before making an award, HUD will evaluate each applicant’s . . . [h]istory of subsidizing or facilitating activities that conflict with the purposes of this NOFO.”	ECF No. 12-3 at 89.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF WASHINGTON, *et al.*,

Plaintiffs,
v.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, *et al.*,

Defendants.

AND

NATIONAL ALLIANCE TO END HOMELESSNESS,
et al.,

Plaintiffs,
v.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, *et al.*,

Defendants.

Case Nos. 25-cv-626
25-cv-636

District Judge Mary S. McElroy
Magistrate Judge Amy E. Moses

**DECLARATION OF CAITLYN J. MCKENNEY IN SUPPORT OF
DEFENDANTS' COMBINED MOTION TO DISSOLVE THE
DECEMBER 19, 2025 PRELIMINARY INJUNCTIONS**

I, Caitlyn J. McKenney, hereby declare as follows:

1. I am employed by the U.S. Department of Housing and Urban Development (“HUD”) as the Deputy Assistant Secretary (“DAS”) for Special Needs within the Office of Community Planning and Development (“CPD”). In this role, I oversee all programs in the Office of HIV/AIDS Housing and the Office of Special Needs, including HUD’s Continuum of Care (“CoC”) program. I have served in this capacity since December 28, 2025. Immediately before becoming the DAS and since I joined HUD on April 21, 2025, I served as a Policy Advisor for

CPD, where a major part of my role was helping steer the CoC program. I have been employed continuously at HUD since April 21, 2025.

2. My statements herein are based on my personal knowledge and/or my evaluation of information provided to me in my official capacity; on reasonable inquiry; information obtained from various records, systems, databases; or program employees and information portals maintained and relied upon by HUD in the regular course of business.

3. Congress’s February 3, 2026 enactment of the Consolidated Appropriations Act, 2026, fundamentally changes how FY2025 funding under HUD’s Continuum of Care (“CoC”) program will be distributed. *See* Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2026, Pub. L. No. 119-75, div. D., tit. II, 140 Stat. 173, H.R. 7148 at 209–51 (“2026 THUD Appropriations Act”); *see also id.* § 244, H.R. 7148 at 250–51. The THUD Act mandates that HUD “non-competitively renew for one 12-month period all” CoC projects “expiring during the first quarter of calendar year 2026,” *id.* § 244, H.R. 7148 at 250, and further provides that, should HUD fail to make awards under a 2025 NOFO prior to April 1, 2026, projects expiring in the second quarter will be noncompetitively renewed, *see id.* § 244, H.R. 7148 at 250–51. If HUD fails to make awards prior to July 1, 2026, projects expiring in the third and fourth quarters will also be noncompetitively renewed. *See id.*

4. Pursuant to the THUD Act, HUD is proceeding to noncompetitively renew projects expiring in the first quarter of 2026. HUD is also proceeding to noncompetitively renew CoC projects expiring in the second quarter of 2026. HUD is also aware that Congress imposed a deadline of July 1, 2026 by which HUD must make awards under “a fiscal year 2025 notice of funding opportunity” in order to avoid mandatory noncompetitive renewals for projects expiring in the third and fourth quarters of 2026. *See id.* § 244, H.R. 7148 at 250.

5. Given this Court’s December 19, 2025 preliminary injunctions, HUD will not be able to process applications and renewals under its enjoined December 2025 NOFO in time to meet the THUD Act’s April 1, 2026 deadline for second-quarter awards. Moreover, in order to have a chance of meeting the July 1, 2026 deadline for third and fourth quarter project awards under “a fiscal year 2025 notice of funding opportunity,” HUD must be able to open the December 2025 NOFO for applicants at the very latest by April 1, 2026.

6. HUD must leave at least 30 days for an application period, absent an emergency waiver under 42 U.S.C. § 3545(a)(3). There is also good reason to leave applications open for this long, since Collaborative Applicants need time to prepare their application and new projects may struggle to complete their project applications and any underlying planning with a shorter application window.

7. After applications close, HUD estimates that it will process applications for about several thousand new projects from nearly 400 CoCs. This involves conducting a merit review for each CoC and conducting threshold eligibility reviews, merit reviews, and risk reviews for each project as set out in the December 2025 NOFO.¹ HUD must also conduct threshold eligibility reviews and risk reviews for all renewal projects to determine whether there are any significant financial, performance, or compliance issues. HUD anticipates that this will take at least 50 days. This is shorter than what HUD indicated in the December 2025 NOFO, because renewals for projects expiring in Q1 and Q2 (about 37% of all projects) will have already been processed and awarded. Further, a threshold eligibility and risk review of renewal projects will have been completed under the Court’s Order for the remaining projects expiring in Q3 and Q4 and HUD

¹ Threshold eligibility reviews, merit reviews, and risk reviews for projects are neither unusual nor new to the December 2025 NOFO. Rather, these reviews are standard practice in NOFOs, including the FY2024-25 CoC NOFO at issue in this matter.

expects overlap between these recipients and those that will submit applications under the December 2025 NOFO. After scoring and reviews are complete, HUD must also prepare awards, including making necessary Fair Market Rent adjustments, conditioning any awards, and must notify Congress at least three days prior to announcing any awards. All in all, HUD anticipates that it will need the full amount of time from April 1, 2026, to finish all of this work and make awards by July 1, 2026.

8. I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 17th day of February 2026 in Washington, DC.

**CAITLYN
MCKENNEY** Digitally signed by
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Subject: Activity in Case 1:25-cv-00636-MSM-AEM National Alliance to End Homelessness et al v. United States Department of Housing and Urban Development et al Order on Motion for Miscellaneous Relief
Date: Friday, February 27, 2026 8:26:56 AM

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U.S. District Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was entered on 2/27/2026 at 8:25 AM EST and filed on 2/27/2026

Case Name: National Alliance to End Homelessness et al v. United States Department of Housing and Urban Development et al

Case Number: [1:25-cv-00636-MSM-AEM](#)

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER: Before this Court is Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. [74]). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Responses in Opposition thereto. The Defendants seek to reopen the December 2025 Continuum of Care NOFO in order to solicit and issue awards pursuant to its terms for the third and fourth quarters of the funding cycle and argue that this Court's interim relief enjoining the December 2025 NOFO prevents it from doing so. In support of dissolving the injunction, Defendants assert, among other things, that Congress has eliminated the threatened harms faced by the Plaintiffs that prompted the Court to enjoin the December 2025 NOFO in the first instance. The Court disagrees and concludes that the Plaintiffs continue to face imminent, irreparable harm from: (1) the upheaval and service gaps that would result from the Defendants attempt to vastly overhaul the funding selection criteria on an accelerated basis; and (2) the Defendants attempt to implement the December 2025 NOFO in light of the Courts prior determination that Plaintiffs have a strong likelihood of success in their action contesting its legality. *New York v. U.S. Dep't of Just.*, 804 F. Supp. 3d 294, 330 (D.R.I. 2025) ("In life-or-death scenarios times of crisis when someone faces domestic

violence, homelessness, or a mental health crisisit practically goes without saying that there can be no do over and no redress if services are unlawfully denied and someone suffers for it. That of course constitutes irreparable harm.") (cleaned up). As a result, the Court DENIES Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. [74]). So Ordered by District Judge Mary S. McElroy on 2/27/2026. (Potter, Carrie)

1:25-cv-00636-MSM-AEM Notice has been electronically mailed to:

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1:25-cv-00636-MSM-AEM Notice has been delivered by other means to:

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

NATIONAL ALLIANCE TO END
HOMELESSNESS, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, *et al.*,

Defendants.

Case No. 25-cv-636-MSM-AEM

District Judge Mary S. McElroy
Magistrate Judge Amy E. Moses

NOTICE OF APPEAL

All Defendants in this action—U.S. Department of Housing and Urban Development and Eric Scott Turner, in his official capacity as Secretary of the U.S. Department of Housing and Urban Development—respectfully provide notice that they hereby appeal to the United States Court of Appeals for the First Circuit the Court’s February 27, 2026 Text Order denying Defendants’ February 17, 2026 Motion to Dissolve, ECF No. 74, the December 19, 2025 preliminary injunction order entered against Defendants.

DATE: March 2, 2026

Respectfully submitted,

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Counsel to the Assistant Attorney General
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/s/ William S. Jankowski

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CERTIFICATE OF SERVICE

I certify that on March 2, 2026, the above document was filed with the CM/ECF filing system.

/s/ William S. Jankowski

From: cmecf@rid.uscourts.gov
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Subject: Activity in Case 1:25-cv-00636-MSM-AEM National Alliance to End Homelessness et al v. United States Department of Housing and Urban Development et al Order on Motion to Stay
Date: Friday, March 6, 2026 6:43:02 PM

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U.S. District Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was entered on 3/6/2026 at 6:41 PM EST and filed on 3/6/2026

Case Name: National Alliance to End Homelessness et al v. United States Department of Housing and Urban Development et al

Case Number: [1:25-cv-00636-MSM-AEM](#)

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER: Before the Court is Defendants' Combined Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. [79]). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Response in Opposition thereto. Notwithstanding Defendants' failure to appeal the Court's order providing Plaintiffs with injunctive relief, (ECF No. [52]), Defendants seek a stay of this preliminary relief pending their appeal of the Court's February 27, 2026 Text Order denying their Motion to Dissolve the December 19, 2025 Preliminary Injunctions. Text Order (Feb. 27, 2026). When evaluating whether to stay an order pending an appeal, the Court must consider: "(1) whether the stay applicant has made a strong showing that it is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Does 1-3 v. Mills*, 39 F.4th 20, 24 (1st Cir. 2022) (cleaned up). The Court concludes that Defendants have not met the aforementioned standard. Most notably, the Court concludes that its issuance of a stay at this juncture will substantially injure Plaintiffs by subjecting them to the upheaval and service gaps caused by Defendants attempt to implement the December 2025 NOFO on

an expedited basis. As a result, the Court DENIES Defendants' Combined Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. [79]). So Ordered by District Judge Mary S. McElroy on 3/6/2026. (Potter, Carrie)

1:25-cv-00636-MSM-AEM Notice has been electronically mailed to:

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**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:25-cv-00636-MSM-AEM**

National Alliance to End Homelessness et al v. United States
Department of Housing and Urban Development et al
Assigned to: District Judge Mary S. McElroy
Referred to: Magistrate Judge Amy E. Moses
Case in other court: First Circuit Court of Appeals, 26-01218
Cause: 05:702 Administrative Procedure Act

Date Filed: 12/01/2025
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

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TERMINATED: 12/08/2025
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Toby Merrill
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Amy Retsinas Romero
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Plaintiff

**Metropolitan Government of Nashville &
Davidson County**

represented by **Abigail Greer**
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Plaintiff

County of Santa Clara

represented by **Kavita Narayan**

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Plaintiff

City and County of San Francisco

represented by **David Chiu**

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Plaintiff

City of Tucson

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PRO HAC VICE
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PRO HAC VICE
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Lynette J. Labinger
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TERMINATED: 12/08/2025
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Toby Merrill
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V.

Defendant

**United States Department of Housing and
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represented by **John Bailey**
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ATTORNEY TO BE NOTICED

Defendant

Scott Turner
in his official capacity as Secretary of the

represented by **John Bailey**
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ATTORNEY TO BE NOTICED

Pardis Gheibi

(See above for address)

ATTORNEY TO BE NOTICED

Peter Roni Goldstone

(See above for address)

ATTORNEY TO BE NOTICED

William S. Jankowski

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/01/2025	1	COMPLAINT (filing fee paid \$ 405.00, receipt number ARIDC-2215158), filed by City of Cambridge, City of Tucson, Crossroads Rhode Island, Martin Luther King, Jr. County, County of Santa Clara, National Low Income Housing Coalition, Metropolitan Government of Nashville & Davidson County, Youth Pride, Inc., National Alliance to End Homelessness, City and County of San Francisco, City of Boston. (Attachments: # 1 Civil Cover Sheet, # 2 Summons for HUD, # 3 Summons for Sec. Turner, # 4 Summons for AG Bondi, # 5 Summons for USAO)(Romero, Amy) (Entered: 12/01/2025)
12/01/2025		CASE CONDITIONALLY ASSIGNED to District Judge Mary S. McElroy and Magistrate Judge Amy E. Moses based upon the indication on the cover sheet that a related case previously was assigned to the presiding judge. Related Case Number 1:25-cv-626-MSM-AEM. The assignment is subject to the presiding judge's determination that the cases, in fact, are related. (Gonzalez Gomez, Viviana) (Entered: 12/01/2025)
12/01/2025	2	CASE OPENING NOTICE ISSUED. (Gonzalez Gomez, Viviana) (Entered: 12/01/2025)
12/01/2025	3	Corporate Disclosure Statement by City and County of San Francisco, City of Boston, City of Cambridge, City of Tucson, County of Santa Clara, Crossroads Rhode Island, Martin Luther King, Jr. County, Metropolitan Government of Nashville & Davidson County, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/01/2025)
12/01/2025	4	Summons Issued as to Scott Turner, United States Department of Housing and Urban Development, U.S. Attorney's Office for the District of RI, and U.S. Attorney General Pam Bondi. (Attachments: # 1 Summons Issued as to Secretary Turner, # 2 Summons Issued as to U.S. A.G. Bondi, # 3 Summons Issued as to U.S. Attorney's Office for the District of RI) (Gonzalez Gomez, Viviana) (Entered: 12/01/2025)
12/01/2025	5	MOTION for Preliminary Injunction <i>and for Relief under 5 USC 705</i> filed by All Plaintiffs. Responses due by 12/15/2025. (Attachments: # 1 Supporting Memorandum) (Romero, Amy) (Entered: 12/01/2025)
12/01/2025	6	DECLARATION re 5 MOTION for Preliminary Injunction <i>and for Relief under 5 USC 705 of Attorney Amy R. Romero</i> by All Plaintiffs. (Attachments: # 1 Exhibit FY24-25 NOFO, # 2 Exhibit FY25 NOFO, # 3 Exhibit July 3, 2025 HUD Email)(Romero, Amy) (Entered: 12/01/2025)
12/01/2025	7	DECLARATION re 5 MOTION for Preliminary Injunction <i>and for Relief under 5 USC 705 Index of Declarations</i> by All Plaintiffs. (Attachments: # 1 Declaration of Ann Oliva (Alliance), # 2 Declaration of Renee M. Willis (NLHIC), # 3 Declaration of Michelle Wilcox (Crossroads), # 4 Declaration of Rush Frazier (Youth Pride), # 5 Declaration of

		Sheila Dillon (Boston), # 6 Declaration of Elizabeth Mengers Margaree (Cambridge), # 7 Declaration of Sunaree Marshall (MLK County), # 8 Declaration of April Calvin (Nashville), # 9 Declaration of Kathryn Kaminski (Santa Clara), # 10 Declaration of Shireen McSpadden, # 11 Declaration of Ann Chanecka (Tucson), # 12 Declaration of Amy Davidson (San Mateo), # 13 Declaration of Andrew Freeman (Safe Haven), # 14 Declaration of Mary Katherine Rand (Mary Parrish Center), # 15 Declaration of Joyce Tavon (MHSA))(Romero, Amy) (Entered: 12/01/2025)
12/01/2025	8	Emergency MOTION for Expedited Production of the Administrative Record and Briefing Schedule for Summary Judgment filed by All Plaintiffs. Responses due by 12/15/2025. (Romero, Amy) (Entered: 12/01/2025)
12/02/2025	9	MOTION for Cassandra Crawford to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215407) filed by City of Boston, City of Cambridge, City of Tucson, Martin Luther King, Jr. County, Metropolitan Government of Nashville & Davidson County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	10	MOTION for Toby Merrill to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215418) filed by City of Boston, City of Cambridge, City of Tucson, Martin Luther King, Jr. County, Metropolitan Government of Nashville & Davidson County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	11	MOTION for Graham Provost to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215423) filed by City of Boston, City of Cambridge, City of Tucson, Martin Luther King, Jr. County, Metropolitan Government of Nashville & Davidson County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	12	MOTION for Alison Holcomb to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215426) filed by Martin Luther King, Jr. County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	13	MOTION for David Hackett to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215431) filed by Martin Luther King, Jr. County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	14	MOTION for Abigail Greer to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215436) filed by Metropolitan Government of Nashville & Davidson County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	15	MOTION for John K. Whitaker to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215439) filed by Metropolitan Government of Nashville & Davidson County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	16	MOTION for David Chiu to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215444) filed by City and County of San Francisco. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	17	MOTION for Michael Levin Gesundheit to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215454) filed by City and County of San Francisco. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	18	MOTION for Ronald Lee to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215463) filed by City and County of San Francisco. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	19	MOTION for Sara Eisenberg to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215466) filed by City and County of San Francisco. (Romero, Amy) (Entered: 12/02/2025)

12/02/2025	20	MOTION for Yvonne Mere to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215472) filed by City and County of San Francisco. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	21	MOTION for Mollie M. Lee to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215475) filed by City and County of San Francisco. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	22	MOTION for Kevin Love Hubbard to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215476) filed by All Plaintiffs. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	23	MOTION for Kavita Narayan to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215480) filed by County of Santa Clara. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	24	MOTION for Meredith A. Johnson to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215486) filed by County of Santa Clara. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	25	MOTION for Tony LoPresti to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215488) filed by County of Santa Clara. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	26	MOTION for Aleshadye Getachew to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215489) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 9 Motion to Appear Pro Hac Vice of Cassandra Crawford. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	27	MOTION for Aman T. George to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215496) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	28	MOTION for Carrie Y. Flaxman to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215497) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	29	MOTION for Kristin Bateman to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215498) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	30	MOTION for Madeline H. Gitomer to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215500) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	31	MOTION for Robin F. Thurston to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215504) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/02/2025)

12/02/2025		TEXT ORDER granting 10 Motion to Appear Pro Hac Vice of Toby Merrill. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	32	MOTION for Yenisey Rodriguez to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215505) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025	33	MOTION for Antonia K. Fasanelli to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215513) filed by National Alliance to End Homelessness, National Low Income Housing Coalition. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 11 Motion to Appear Pro Hac Vice of Graham Provost. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	34	MOTION for Kathryn M. Scott to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2215515) filed by National Alliance to End Homelessness, National Low Income Housing Coalition. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 12 Motion to Appear Pro Hac Vice of Alison Holcomb. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 13 Motion to Appear Pro Hac Vice of David J. Hackett. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 14 Motion to Appear Pro Hac Vice of Abigail Greer. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 15 Motion to Appear Pro Hac Vice of John K. Whitaker. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 16 Motion to Appear Pro Hac Vice of David Chiu. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	35	MOTION for Wallace W. Dietz to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number BRIDC-2215563) filed by Metropolitan Government of Nashville & Davidson County. (Romero, Amy) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 17 Motion to Appear Pro Hac Vice of Michael Levin-Gesundheit. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 18 Motion to Appear Pro Hac Vice of Ronald H. Lee. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 19 Motion to Appear Pro Hac Vice of Sara J. Eisenberg. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 20 Motion to Appear Pro Hac Vice of Yvonne R. Mere. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025		TEXT ORDER granting 21 Motion to Appear Pro Hac Vice of Mollie M. Lee. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)

12/02/2025	TEXT ORDER granting 22 Motion to Appear Pro Hac Vice of Kevin Love Hubbard. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 23 Motion to Appear Pro Hac Vice of Kavita Narayan. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 24 Motion to Appear Pro Hac Vice of Meredith A. Johnson. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 25 Motion to Appear Pro Hac Vice of Tony LoPresti. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 26 Motion to Appear Pro Hac Vice of Aleshadye Getachew. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 27 Motion to Appear Pro Hac Vice of Aman T. George. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 28 Motion to Appear Pro Hac Vice of Carrie Y. Flaxman. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 29 Motion to Appear Pro Hac Vice of Kristin Bateman. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 30 Motion to Appear Pro Hac Vice of Madeline H. Gitomer. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 31 Motion to Appear Pro Hac Vice of Robin F. Thurston. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 32 Motion to Appear Pro Hac Vice of Yenisey Rodriguez. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 34 Motion to Appear Pro Hac Vice of Kathryn M. Scott. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 35 Motion to Appear Pro Hac Vice of Wallace W. Dietz. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)
12/02/2025	NOTICE of Hearing: Status Conference set for 12/5/2025 at 02:00 PM in Remote Hearing before District Judge Mary S. McElroy. Counsel of record will receive Zoom information via email. The public can visit rid.uscourts.gov for additional information. (Potter, Carrie) (Entered: 12/02/2025)
12/02/2025	TEXT ORDER granting 33 Motion to Appear Pro Hac Vice of Antonia K. Fasanelli. So Ordered by District Judge Mary S. McElroy on 12/2/2025. (Hill, Cherelle) (Entered: 12/02/2025)

12/02/2025		NOTICE of Hearing: Status Conference set for 12/5/2025 at 02:30 PM via Zoom before District Judge Mary S. McElroy. Zoom information sent to counsel via email. PLEASE NOTE TIME CHANGE ONLY. (Potter, Carrie) (Entered: 12/02/2025)
12/03/2025	36	NOTICE of Appearance by Lynette J. Labinger on behalf of All Plaintiffs (Labinger, Lynette) (Entered: 12/03/2025)
12/05/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: In Chambers Conference held on 12/5/2025. M. Levin-Gesundheit, L. Labinger, K. Sabatini, P. Gheibi, Z. Muller, A. Romero, K. Hubbard, A. Alegrett, C. Flaxman, C. Crawford, S. Thompson, A. Getachew, C. Sepe, M. Gitoman, D. Hackett, A. Hughes, C. Faherty, G. Provost and K. Meyer Scott in attendance. Parties agree to convert Motion to Preliminary Injunction to a Motion for Temporary Restraining Order and a Preliminary Injunction. Court to hear Motion for TRO on 12/8/2025 at 3:30 pm. Responses to Motion to Preliminary Injunction due 12/15/2025 in both CV25-626 and CV25-636. Order to enter. (Courtroom Zoom at 2:30 pm.) (Potter, Carrie) (Entered: 12/05/2025)
12/05/2025		Text Order: By agreement of the parties during the 12/5/2025 conference, the Court converts the Motion to Preliminary Injunction to a Motion for Temporary Restraining Order and a Preliminary Injunction. Court to hear Motion for TRO on 12/8/2025 at 3:30 pm. Responses to Motion for Preliminary Injunction due 12/15/2025 in both CV25-626 and CV25-636. So Ordered by District Judge Mary S. McElroy on 12/5/2025. (Potter, Carrie) (Entered: 12/05/2025)
12/05/2025		NOTICE of Hearing on Motion for Temporary Restraining Order. Motion Hearing set for 12/8/2025 at 03:30 PM via Zoom before District Judge Mary S. McElroy. Counsel shall use link previously provided via email. The public may view the hearing via the Court's YouTube stream. Please visit rid.uscourts.gov for more information. (Potter, Carrie) (Entered: 12/05/2025)
12/07/2025	37	NOTICE of Appearance by Pardis Gheibi on behalf of All Defendants (Gheibi, Pardis) (Entered: 12/07/2025)
12/08/2025	38	NOTICE of Appearance by Peter Roni Goldstone on behalf of All Defendants (Goldstone, Peter) (Entered: 12/08/2025)
12/08/2025	39	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>NOTICE OF WITHDRAWAL OF THE CHALLENGED 2025 NOTICE OF FUNDING OPPORTUNITY</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Gheibi, Pardis) (Entered: 12/08/2025)
12/08/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: Motion Hearing held on 12/8/2025 5 MOTION for TRO: A. Getachew, A. Romero, A. Hughes, A. Fasanelli, C. Flaxman, C. Crawford, C. Flaherty, C. Sepe, K. Sabatini, K. Meyer-Scott, K. Bateman, L. Labinger, M. Gitomer, M. Levin-Gesundheit, P.R. Gladstone, P. Gheibi, S. Thompson, Z. Muller. Court addresses the parties; parties respond. Defendants advise that NOFO 25 has been withdraw. Parties argue. Defendants are to file their response to 5 Motion for Preliminary Injunction by 12/15/2025. Replies are due 12/17/2025. Hearing to be held on 12/19/2025 at 10:00 am. Court orders HUD to file administrative record by 12/15/2025. Defense asks for additional time. Court declines to give additional time, however, if record not available, it must be addresses in response. Recess. (Potter, Carrie) (Entered: 12/08/2025)
12/08/2025		NOTICE of Hearing on Motion 5 MOTION for Preliminary Injunction <i>and for Relief under 5 USC 705</i> : Motion Hearing set for 12/19/2025 at 10:00 AM via Zoom before District Judge Mary S. McElroy. Counsel will receive link via email. The public may view

		the hearing via the Court's YouTube stream. Please visit rid.uscourts.gov for more information. (Potter, Carrie) (Entered: 12/08/2025)
12/10/2025	40	TRANSCRIPT of Motion for Temporary Restraining Order, held on December 8, 2025, before District Judge Mary S. McElroy. Court Reporter Denise P. Veitch, Telephone number (401) 752-7031. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained the Court Reporter through PACER. NOTICE TO COUNSEL: Redaction Requests must be filed for personal identifiers only. All other redactions must be requested by motion. For local policy and sample redaction request visit our website at www.rid.uscourts.gov and select Transcripts under the Case Information menu option. Redaction Request due 12/31/2025. Redacted Transcript Deadline set for 1/12/2026. Release of Transcript Restriction set for 3/10/2026. (Veitch, Denise) (Entered: 12/10/2025)
12/10/2025	41	AFFIDAVIT of Service, filed by City of Cambridge, City of Tucson, Crossroads Rhode Island, Martin Luther King, Jr. County, County of Santa Clara, National Low Income Housing Coalition, Metropolitan Government of Nashville & Davidson County, Youth Pride, Inc., National Alliance to End Homelessness, City and County of San Francisco, City of Boston All Defendants. (Attachments: # 1 Proof of Service - Sec. Turner, # 2 Proof of Service - AG Bondi, # 3 Proof of Service - USAO)(Bateman, Kristin) (Entered: 12/10/2025)
12/12/2025	42	NOTICE of Appearance by John Bailey on behalf of All Defendants (Bailey, John) (Entered: 12/12/2025)
12/15/2025	43	NOTICE of Appearance by William S. Jankowski on behalf of All Defendants (Jankowski, William) (Entered: 12/15/2025)
12/15/2025	44	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>PARTIAL ADMINISTRATIVE RECORD</i> (Gheibi, Pardis) (Entered: 12/15/2025)
12/15/2025	45	RESPONSE In Opposition to 5 MOTION for Preliminary Injunction <i>and for Relief under 5 USC 705</i> filed by All Defendants. Replies due by 12/22/2025. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Gheibi, Pardis) (Entered: 12/15/2025)
12/15/2025	46	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>REGARDING TIMELINE OF THE ADMINISTRATIVE RECORD</i> (Gheibi, Pardis) (Entered: 12/15/2025)
12/17/2025	47	MOTION for Simon Brewer to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2222305) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/17/2025)
12/17/2025	48	MOTION for Christine L. Coogle to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2222308) filed by Crossroads Rhode Island, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. (Romero, Amy) (Entered: 12/17/2025)
12/17/2025		TEXT ORDER granting 47 Motion to Appear Pro Hac Vice of Simon C. Brewer. So Ordered by District Judge Mary S. McElroy on 12/17/2025. (Hill, Cherelle) (Entered: 12/17/2025)
12/17/2025		TEXT ORDER granting 48 Motion to Appear Pro Hac Vice of Christine L. Coogle. So Ordered by District Judge Mary S. McElroy on 12/17/2025. (Hill, Cherelle) (Entered: 12/17/2025)

12/17/2025	49	REPLY to Response re 45 Response to Motion, <i>for Relief under 5 U.S.C. 705 and for Preliminary Injunction</i> filed by All Plaintiffs. (Attachments: # 1 Supplemental Decl. of Ann Marie Oliva (NAEH))(Bateman, Kristin) (Entered: 12/17/2025)
12/19/2025	50	Joint MOTION to Expedite <i>Partial Summary Judgment Briefing</i> filed by All Defendants. Responses due by 1/2/2026. (Jankowski, William) (Entered: 12/19/2025)
12/19/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: Motion Hearing held on 12/19/2025 re 5 MOTION for Preliminary Injunction: Z. Muller, K. Bateman and J. Bailey arguing. Court questions the parties, parties respond. Parties argue motions. For reasons stated on the record, the Court grants the motions. Parties to prepare a proposed order. Recess. (Court Reporter D. Veitch in Courtroom Zoom at 10:00 am.) (Potter, Carrie) (Entered: 12/19/2025)
12/19/2025	51	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>NOTICE OF PUBLICATION OF NEW 2025 NOFO</i> (Attachments: # 1 Exhibit A (New 2025 NOFO), # 2 Exhibit B (New 2025 NOFO Website Publication))(Jankowski, William) (Entered: 12/19/2025)
12/22/2025		NOTICE of Hearing: Status Conference set for 12/22/2025 at 02:00 PM via Zoom before District Judge Mary S. McElroy. This conference is for counsel only. Counsel to receive zoom information via email. (Potter, Carrie) (Entered: 12/22/2025)
12/22/2025		Minute Entry for proceedings held before District Judge Mary S. McElroy: Status Conference held on 12/22/2025: J. Bailey, W. Jankowski, C. Faherty, C. Flaxman, C. Coggle, J. Whitaker, K. Hubbard, A. Leggett, A. Hughes, C. Crawford, A. Romero, M. Levin-Gesundheit, K. Sabatini, K. Bateman, A. Knowpfier, Z. Muller, A. Holcomb, A. Getachew, G. Provost, M. Gitoman, L. Arzy, A. Gero, K. Narayan in attendance. (Courtroom Zoom at 2:00 pm.) (Potter, Carrie) (Entered: 12/22/2025)
12/23/2025	52	ORDER for Relief Under 5 U.S.C. § 705 and for Preliminary Injunction. So Ordered by District Judge Mary S. McElroy on 12/23/2025. (Attachments: # 1 Appendix) (Potter, Carrie) (Entered: 12/23/2025)
12/23/2025		TEXT ORDER granting 50 Motion to Expedite. 12/29/2025 - Defendants produce the remaining portion of the administrative record pertaining to the rescission of the FY24-FY25 CoC NOFO; 1/7/2026 - Plaintiffs' Motion for Summary Judgment; 1/16/2026 - Defendants' Combined Opposition and Cross-Motion for Summary Judgment; 1/23/2026 - Plaintiffs' Combined Reply and Opposition; 1/29/2026 - Defendants' Reply. So Ordered by District Judge Mary S. McElroy on 12/23/2025. (Potter, Carrie) (Entered: 12/23/2025)
12/23/2025	53	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>OF COMPLIANCE WITH PARAGRAPH 7 OF THE PRELIMINARY INJUNCTION ORDER</i> (Jankowski, William) (Entered: 12/23/2025)
12/29/2025	54	TRANSCRIPT ORDER for proceedings held on 12/19/2025 before Judge McElroy. Daily Transcript selected. Transcript to be delivered following adjournment and prior to the normal opening hour of court on the following morning.. (Bateman, Kristin) (Entered: 12/29/2025)

12/29/2025	55	TRANSCRIPT of Motions for Preliminary Injunction, held on December 19, 2025, before District Judge Mary S. McElroy. Court Reporter Denise P. Veitch, Telephone number (401)752-7031. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. NOTICE TO COUNSEL: Redaction Requests must be filed for personal identifiers only. All other redactions must be requested by motion. For local policy and sample redaction request visit our website at www.rid.uscourts.gov and select Transcripts under the Case Information menu option. Redaction Request due 1/20/2026. Redacted Transcript Deadline set for 1/29/2026. Release of Transcript Restriction set for 3/30/2026. (Veitch, Denise) (Entered: 12/29/2025)
12/29/2025	56	ADMINISTRATIVE RECORD filed (<i>Partial Administrative Record regarding rescission of FY24-25 NOFO</i>) by Scott Turner, United States Department of Housing and Urban Development. (Attachments: # 1 Index, # 2 Partial Administrative Record (Rescission of FY24-25 NOFO))(Jankowski, William) (Entered: 12/29/2025)
12/30/2025	57	Joint MOTION to Amend/Correct <i>Schedule for Expedited Summary Judgment Briefing</i> filed by All Defendants. Responses due by 1/13/2026. (Jankowski, William) (Entered: 12/30/2025)
12/30/2025	58	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>OF COMPLIANCE WITH PARAGRAPH 8 OF THE PRELIMINARY INJUNCTION ORDER</i> (Attachments: # 1 Exhibit A (FY24-25 CoC NOFO Implementation Plan)) (Jankowski, William) (Entered: 12/30/2025)
12/31/2025	59	ADMINISTRATIVE RECORD filed by Scott Turner, United States Department of Housing and Urban Development. (Attachments: # 1 Supplement Administrative Record, part 2, # 2 Supplement Administrative Record, part 3, # 3 Supplement Administrative Record, part 4, # 4 Supplement Administrative Record, part 5, # 5 Affidavit Certification of Administrative Record, # 6 Appendix Index to Administrative Record)(Goldstone, Peter) (Entered: 12/31/2025)
01/06/2026	60	Joint MOTION for an Extension of Time to File <i>NOTICE OF COMPLIANCE WITH PARAGRAPH 9 OF THE PRELIMINARY INJUNCTION ORDER</i> filed by All Defendants. Responses due by 1/20/2026. (Jankowski, William) (Entered: 01/06/2026)
01/06/2026		TEXT ORDER granting 60 Motion for Extension of Time. So Ordered by District Judge Mary S. McElroy on 1/6/2026. (Potter, Carrie) (Entered: 01/06/2026)
01/08/2026	61	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>OF COMPLIANCE WITH PARAGRAPH 9 OF THE PRELIMINARY INJUNCTION ORDER</i> (Attachments: # 1 Exhibit A (FY24-25 CoC NOFO Update to Recipients)) (Jankowski, William) (Entered: 01/08/2026)
01/09/2026		TEXT ORDER granting 57 Motion to Amend/Correct. 1/14/2026 - State Plaintiffs' Second Amended Complaint and NAEH Plaintiffs' First Amended Complaint and Plaintiffs' Motions for Summary Judgment on all claims; 1/23/2026 - Defendants' Combined Opposition and Cross-Motion for Summary Judgment on all claims; 1/30/2025 - Plaintiffs' Combined Reply and Opposition; 2/5/2026 - Defendants' Reply. So Ordered by District Judge Mary S. McElroy on 1/9/2026. (Potter, Carrie) (Entered: 01/09/2026)

01/12/2026	62	NOTICE by Scott Turner, United States Department of Housing and Urban Development <i>OF REVISED IMPLEMENTATION PLAN IN COMPLIANCE WITH PARAGRAPH 8 OF THE PRELIMINARY INJUNCTION ORDER</i> (Attachments: # 1 Exhibit A (Revised FY24-25 CoC NOFO Implementation Plan))(Jankowski, William) (Entered: 01/12/2026)
01/13/2026	63	MOTION to Withdraw as Attorney filed by Martin Luther King, Jr. County. Responses due by 1/27/2026. (Holcomb, Alison) (Entered: 01/13/2026)
01/13/2026	64	MOTION for Stefanie Wilson to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2230441) filed by County of Santa Clara. (Romero, Amy) (Entered: 01/13/2026)
01/13/2026	65	MOTION for Leily Arzy to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2230450) filed by County of Santa Clara. (Romero, Amy) (Entered: 01/13/2026)
01/13/2026		TEXT ORDER granting 64 Motion to Appear Pro Hac Vice of Stefanie Wilson. So Ordered by District Judge Mary S. McElroy on 1/13/2026. (Hill, Cherelle) (Entered: 01/13/2026)
01/13/2026		TEXT ORDER granting 65 Motion to Appear Pro Hac Vice of Leily Arzy. So Ordered by District Judge Mary S. McElroy on 1/13/2026. (Hill, Cherelle) (Entered: 01/13/2026)
01/14/2026	66	AMENDED COMPLAINT against Scott Turner, United States Department of Housing and Urban Development, filed by City of Cambridge, City of Tucson, Crossroads Rhode Island, Martin Luther King, Jr. County, County of Santa Clara, National Low Income Housing Coalition, Metropolitan Government of Nashville & Davidson County, Youth Pride, Inc., National Alliance to End Homelessness, City and County of San Francisco, City of Boston.(Getachew, Aleshadye) (Entered: 01/14/2026)
01/14/2026	67	MOTION for Summary Judgment filed by City and County of San Francisco, City of Boston, City of Cambridge, City of Tucson, County of Santa Clara, Crossroads Rhode Island, Martin Luther King, Jr. County, Metropolitan Government of Nashville & Davidson County, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc.. Responses due by 1/28/2026. (Attachments: # 1 Supporting Memorandum, # 2 Appendix FY25 NOFOs Challenged Provisions, # 3 Oliva (NAEH) 2nd Suppl. Decl., # 4 Excerpts of AR (Part 1), # 5 Excerpts of AR (Part 2), # 6 Excerpts of AR (Part 3))(Getachew, Aleshadye) (Entered: 01/14/2026)
01/15/2026		TEXT ORDER granting 63 Motion to Withdraw as Attorney. Attorney Alison Chinn Holcomb terminated. So Ordered by District Judge Mary S. McElroy on 1/15/2026. (Potter, Carrie) (Entered: 01/15/2026)
01/23/2026	68	Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment</i> filed by All Defendants. Responses due by 2/6/2026. (Attachments: # 1 McKenney Declaration & Exhibit)(Jankowski, William) (Entered: 01/23/2026)
01/30/2026	69	RESPONSE In Opposition to 68 Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment and Reply in support of Plaintiffs' Motion for Summary Judgment (Dkt 67)</i> filed by All Plaintiffs. Replies due by 2/6/2026. (Attachments: # 1 Supplemental Excerpts of Administrative Record)(Bateman, Kristin) (Entered: 01/30/2026)
02/02/2026	70	Consent MOTION for an Extension of Time to File Response/Reply <i>to February 6, 2026</i> , filed by All Defendants. Responses due by 2/17/2026. (Jankowski, William) (Entered: 02/02/2026)
02/04/2026		TEXT ORDER granting 70 Motion for Extension of Time to File Response/Reply. Set/Reset Deadlines: 68 Cross MOTION for Summary Judgment <i>and Opposition to</i>

		<i>Plaintiffs' Motion for Summary Judgment & 67 MOTION for Summary Judgment - Responses due by 2/6/2026. So Ordered by District Judge Mary S. McElroy on 2/4/2026. (Potter, Carrie) (Entered: 02/04/2026)</i>
02/05/2026	71	NOTICE by City and County of San Francisco, City of Boston, City of Cambridge, City of Tucson, County of Santa Clara, Crossroads Rhode Island, Martin Luther King, Jr. County, Metropolitan Government of Nashville & Davidson County, National Alliance to End Homelessness, National Low Income Housing Coalition, Youth Pride, Inc. <i>Re: Recent Development Relevant to Pending Motions for Summary Judgment</i> (Bateman, Kristin) (Entered: 02/05/2026)
02/06/2026	72	REPLY to Response re 69 Response to Motion, <i>in Support of Defendants' 68 Cross-Motion for Summary Judgment</i> filed by All Defendants. (Jankowski, William) (Entered: 02/06/2026)
02/11/2026	73	MOTION for Cristy J. Craig to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2241953) filed by Martin Luther King, Jr. County. (Romero, Amy) (Entered: 02/11/2026)
02/11/2026		TEXT ORDER granting 73 Motion to Appear Pro Hac Vice of Cristy Craig. So Ordered by District Judge Mary S. McElroy on 2/11/2026. (Hill, Cherelle) (Entered: 02/11/2026)
02/17/2026	74	Emergency MOTION TO DISSOLVE the December 19, 2025 Preliminary Injunctions filed by All Defendants. Responses due by 3/3/2026. (Attachments: # 1 Exhibit A (Defendants' Cross-Motion for Summary Judgment & Opposition), # 2 Exhibit B (Defendants' Reply in Support of Cross-Motion for Summary Judgment), # 3 Exhibit C (McKenney Declaration))(Jankowski, William) (Entered: 02/17/2026)
02/18/2026		TEXT ORDER: Plaintiffs are ordered to file by February 23, 2026 an opposition (if any) to the Defendants' Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. 74). So Ordered by District Judge Mary S. McElroy on 2/18/2026. (Potter, Carrie) (Entered: 02/18/2026)
02/23/2026	75	RESPONSE In Opposition to 74 Emergency MOTION TO DISSOLVE the December 19, 2025 Preliminary Injunctions filed by All Plaintiffs. Replies due by 3/2/2026. (Attachments: # 1 Exhibit Third Supp. Decl. of Ann Marie Oliva)(Bateman, Kristin) (Entered: 02/23/2026)
02/23/2026	76	Assented MOTION for Leave to File Document <i>Sur-Reply i.s.o. Motion for Summary Judgment and in Opposition to Defendants' Cross-Motion for Summary Judgment</i> filed by All Plaintiffs. Responses due by 3/9/2026. (Attachments: # 1 Exhibit Proposed Sur-Reply) (Bateman, Kristin) (Entered: 02/23/2026)
02/26/2026	77	MOTION for Christopher Michael Sanders to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number ARIDC-2248004) filed by Martin Luther King, Jr. County. (Romero, Amy) (Entered: 02/26/2026)
02/26/2026		TEXT ORDER granting 77 Motion to Appear Pro Hac Vice of Christopher Michael Sanders. So Ordered by District Judge Mary S. McElroy on 2/26/2026. (Hill, Cherelle) (Entered: 02/26/2026)
02/27/2026		TEXT ORDER: Before this Court is Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. 74). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Responses in Opposition thereto. The Defendants seek to reopen the December 2025 Continuum of Care NOFO in order to solicit and issue awards pursuant to its terms for the third and fourth quarters of the funding cycle and argue that this Court's interim relief enjoining the December 2025 NOFO prevents it from doing so. In support of dissolving the injunction, Defendants

		assert, among other things, that Congress has eliminated the threatened harms faced by the Plaintiffs that prompted the Court to enjoin the December 2025 NOFO in the first instance. The Court disagrees and concludes that the Plaintiffs continue to face imminent, irreparable harm from: (1) the upheaval and service gaps that would result from the Defendants attempt to vastly overhaul the funding selection criteria on an accelerated basis; and (2) the Defendants attempt to implement the December 2025 NOFO in light of the Courts prior determination that Plaintiffs have a strong likelihood of success in their action contesting its legality. <i>New York v. U.S. Dep't of Just.</i> , 804 F. Supp. 3d 294, 330 (D.R.I. 2025) ("In life-or-death scenarios times of crisis when someone faces domestic violence, homelessness, or a mental health crisis it practically goes without saying that there can be no do over and no redress if services are unlawfully denied and someone suffers for it. That of course constitutes irreparable harm.") (cleaned up). As a result, the Court DENIES Defendants' Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions (ECF No. 74). So Ordered by District Judge Mary S. McElroy on 2/27/2026. (Potter, Carrie) (Entered: 02/27/2026)
03/02/2026	78	NOTICE OF APPEAL by Scott Turner, United States Department of Housing and Urban Development as to Order on Motion for Miscellaneous Relief,,,,,, (No fee paid, USA, Waived by Statute, or IFP.) NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf/. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf Appeal Record due by 3/9/2026. (Jankowski, William) (Entered: 03/02/2026)
03/02/2026	79	Emergency MOTION to Stay <i>the December 19, 2025 Preliminary Injunction Pending Appeal</i> filed by All Defendants. Responses due by 3/16/2026. (Jankowski, William) (Entered: 03/02/2026)
03/02/2026	80	CLERK'S CERTIFICATE AND APPELLATE COVER SHEET: Abbreviated record on appeal consisting of notice of appeal, order(s) being appealed, and a certified copy of the district court docket report transmitted to the U.S. Court of Appeals for the First Circuit in accordance with 1st Cir. R. 11.0(b). 78 Notice of Appeal,,. (Attachments: # 1 Record on Appeal)(Hill, Chelle) (Entered: 03/02/2026)
03/02/2026		TEXT ORDER : The plaintiff shall file a response, if applicable, to 79 Emergency MOTION to Stay <i>the December 19, 2025 Preliminary Injunction Pending Appeal</i> on or before 3/5/2026. So Ordered by District Judge Mary S. McElroy on 3/2/2026. (Potter, Carrie) (Entered: 03/02/2026)
03/02/2026		USCA Case Number 26-1218 for 78 Notice of Appeal, filed by United States Department of Housing and Urban Development, Scott Turner. (Gonzalez Gomez, Viviana) (Entered: 03/02/2026)
03/05/2026	81	RESPONSE In Opposition to 79 Emergency MOTION to Stay <i>the December 19, 2025 Preliminary Injunction Pending Appeal</i> filed by All Plaintiffs. Replies due by 3/12/2026. (Bateman, Kristin) (Entered: 03/05/2026)
03/06/2026		TEXT ORDER: Before the Court is Defendants' Combined Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. 79). The Court has considered the arguments in Defendants' Motion and Plaintiffs' Response in Opposition thereto. Notwithstanding Defendants' failure to appeal the Court's order providing Plaintiffs with injunctive relief, (ECF No. 52), Defendants seek a stay of this preliminary relief pending their appeal of the Court's February 27, 2026 Text Order denying their Motion to Dissolve the December 19, 2025 Preliminary Injunctions. Text Order (Feb. 27, 2026). When evaluating whether to stay an order pending an appeal, the Court must consider: "(1)

whether the stay applicant has made a strong showing that it is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Does 1-3 v. Mills*, 39 F.4th 20, 24 (1st Cir. 2022) (cleaned up). The Court concludes that Defendants have not met the aforementioned standard. Most notably, the Court concludes that its issuance of a stay at this juncture will substantially injure Plaintiffs by subjecting them to the upheaval and service gaps caused by Defendants attempt to implement the December 2025 NOFO on an expedited basis. As a result, the Court DENIES Defendants' Combined Emergency Motion for a Stay of the Preliminary Injunctions Pending Appeal (ECF No. [79](#)). So Ordered by District Judge Mary S. McElroy on 3/6/2026. (Potter, Carrie) (Entered: 03/06/2026)

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