

No. 25-2188

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

CASA, INC. et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP et al.,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Maryland, Case No. 8:25-cv-00201
Before the Honorable Deborah L. Boardman

**PLAINTIFFS-APPELLEES' NOTICE OF SUPREME COURT MANDATE
AND OTHER DEVELOPMENTS**

In *Trump v. Barbara*, 146 S. Ct. 2438 (2026), the Supreme Court held that “children born of parents unlawfully or temporarily present in the United States” are “citizens at birth” because they “satisfy both elements of the Citizenship Clause: they are ‘born ... in the United States’ and ‘subject to the jurisdiction thereof.’” *Id.* at 2450. Because *Barbara* dictates affirmance of the district court’s class-wide preliminary injunction in this case, Plaintiffs have moved for summary affirmance. Dkt. 17-1.

Defendants opposed summary affirmance on the ground that, at the time Defendants filed their opposition, “the Supreme Court ha[d] not yet issued its

mandate or a certified copy of the judgment.” Dkt. 19 at 2. The Supreme Court has now done so. No party sought rehearing in *Barbara*, and the Supreme Court issued its certified judgment on August 3, 2026. *See* Sup. Ct. Rule 45(3) (judgment issues 32 days after issuance of opinion). Defendants’ reason for opposing summary affirmance thus no longer applies, and the Court should summarily affirm the district court’s preliminary injunction.

In addition, returning jurisdiction to the district court expeditiously would be prudent in light of other developments. On August 6, 2026, the President issued a new Executive Order on birthright citizenship titled “Continuing to Protect the Meaning and Value of American Citizenship,” which like its predecessor purports to limit birthright citizenship. The new Executive Order did not rescind the prior Executive Order, which remains enjoined, but otherwise in effect. On August 10, 2026, Plaintiffs filed a motion in the district court to lift the stay of district court proceedings and to set a status conference to consider the effect of the new Executive Order on the certified class. The district court ordered briefing on the motion and set a hearing for August 18, 2026. Summary affirmance of the district court’s preliminary injunction before August 18, 2026, would remove any jurisdictional barriers should it be necessary for Plaintiffs to seek any further interim relief from the district court with respect to the new Executive Order.

Respectfully submitted this 12th day of August, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2026, I electronically filed the foregoing motion with the Clerk of the Court for the U.S. Court of Appeals for the Fourth 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/ William Powell

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