UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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

LOS ANGELES HOMELESS SERVICES AUTHORITY, a joint powers authority,

Plaintiff - Appellee,

LOS ANGELES CONTINUUM OF CARE,

Intervenor-Plaintiff - Appellee,

v.

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

Defendants - Appellants.

No. 26-5367

D.C. No.
2:26-cv-07056-DOC-AJR
Central District of California,
Los Angeles

ORDER

Before: NGUYEN, R. NELSON, and DESAI, Circuit Judges.

The court has received the government's emergency motion for a stay pending appeal, which includes a request for a temporary "administrative stay" pending full review of the emergency motion for a stay pending appeal. Dkt. No. 8. The request for a temporary administrative stay is GRANTED.

An administrative stay "is only intended to preserve the status quo until the substantive motion for a stay pending appeal can be considered on the merits." *Doe #1 v. Trump*, 944 F.3d 1222, 1223 (9th Cir. 2019). It serves "to 'minimize harm while an appellate court deliberates' and lasts 'no longer than necessary to

make an intelligent decision on the motion for stay pending appeal.'" *Oregon v. Trump*, 154 F.4th 1161, 1164 (9th Cir. 2025) (quoting *United States v. Texas*, 144 S. Ct. 797, 798–99 (2024) (Barrett, J., concurring)).

In considering whether to grant an administrative stay, our "inquiry necessarily depends 'on the facts of this case'" and considers "what real-world effects would result." *Id.* (quoting *Nat'l Urb. League v. Ross*, 977 F.3d 698, 701 (9th Cir. 2020)). An administrative stay "does not constitute in any way a decision as to the merits of the motion for stay pending appeal," *Nat'l Urb. League*, 977 F.3d at 701 (quoting *Doe #1*, 944 F.3d at 1223), and we therefore "defer weighing the *Nken* factors" until we decide that motion, *Oregon v. Trump*, 154 F.4th at 1164 (quoting *Nat'l Urb. League*, 977 F.3d at 702); *see Nken v. Holder*, 556 U.S. 418, 434 (2009) (setting forth standard for staying a district court's injunction pending appeal, including whether the stay applicant will likely succeed on the merits).

We grant the government's motion for a temporary administrative stay until we decide the merits of its motion for stay pending appeal. In particular, we stay the district court's preliminary injunction order to the extent that it (1) orders the Department of Housing and Urban Development ("HUD") to distribute approximately $241 million dollars; (2) reinstates Los Angeles Homeless Services Authority as the "Collaborative Applicant," Homeless Management Information Systems ("HMIS") Lead, Coordinated Entry System ("CES") Coordinator, and

Point-in-Time ("PIT") Count Administrator for the 2026 fiscal year funding cycle; (3) requires HUD to respond to Los Angeles Continuum of Care's ("LA CoC") evaluation of the applicant pool for Collaborative Applicant, HMIS Lead, CES Coordinator, and PIT Count Administrator in the 2027 fiscal year; and (4) orders HUD to execute signed agreements for approved grants to LA CoC in the 2025 fiscal year. We do not disturb the district court's order to the extent it requires LA CoC to take certain actions, sets a status conference, and requires the government to preserve and lodge the administrative record.

Argument on the emergency motion for stay pending appeal will be held remotely by video on Tuesday, September 22, 2026, at 10:00 a.m. Pacific Time.