

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ALISHEA KINGDOM, et al.,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

No. 1:25-cv-00691 (RCL)

**PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ MOTION TO STAY THE
JUNE 17, 2026 PRELIMINARY INJUNCTION PENDING APPEAL**

This Court should deny Defendants’ motion to stay the June 17, 2026 Order granting Plaintiffs’ motion for an updated preliminary injunction and to stay agency action (ECF 215) pending appeal. Defendants’ motion relies exclusively on “the reasons discussed in their opposition to Plaintiffs’ Motion for an Updated Preliminary Injunction and to Stay Agency Action (ECF No. 186)” and baldly asserts without any elaboration or argument that Defendants “are likely to succeed on the merits of their appeal because they are likely to show that there is no Administrative Procedure Act violation and that the balance of equities decidedly tip against issuance of the injunction.” ECF 222 at 1-2.

A stay pending appeal is an “extraordinary” remedy. *Citizens for Resp. & Ethics in Washington v. Fed. Election Comm’n*, 904 F.3d 1014, 1017 (D.C. Cir. 2018). The moving party bears the burden of (1) making “a strong showing that [it] is likely to succeed on the merits;” and demonstrating that (2) it will be “irreparably injured absent a stay;” (3) “the issuance of the stay will [not] substantially injure the other parties interested in the proceeding;” and (4) “the public interest” favors a stay. *Nken v. Holder*, 556 U.S. 418, 426, 434 (2009) (citation omitted).

Defendants fail to make the requisite showing as to any of these elements. This Court has already rejected Defendants' arguments in its earlier opposition after full briefing and argument and has explained its reasoning for rejecting those arguments in detail. ECF 216. Nothing in Defendants' motion warrants a different outcome. Importantly, Defendants do not make any showing that they will be irreparably injured absent a stay. *KalshiEX LLC v. Commodity Futures Trading Comm'n*, 119 F.4th 58, 64 (D.C. Cir. 2024) (“[A] showing of irreparable harm is a necessary prerequisite for a stay.”). Nor do Defendants explain why, in their view, they are likely to succeed on the merits—let alone make a “strong showing,” *Nken*, 556 U.S. at 426 (citation omitted), that they will—or that the public interest favors a stay.

Plaintiffs and the class, by contrast, would suffer serious irreparable harm in the event of a stay, which would permit Defendants under their February 2026 Program Statement to immediately begin cutting people with gender dysphoria off hormones who are already on them and categorically denying hormone therapy and social accommodations to treat gender dysphoria. *See* ECF 216 at 29 (“The record shows that denying class members gender-affirming hormone therapy and social accommodations will cause irreparable injuries, including the exacerbation of their gender dysphoria and increased risk of depression, anxiety, self-harm (including attempts to self-castrate), and suicidality.”). The balance of the equities and public interest likewise favor denying Defendants' request for a stay. *See id.* at 29-30.

Because Defendants have failed to meet their burden as to any of the requirements for a stay pending appeal, this Court should deny Defendants' motion. A proposed order denying Defendants' motion to stay is attached.

Dated: June 25, 2026

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