

No. 26-10735

In the United States Court of Appeals
for the Eleventh Circuit

CAIR FOUNDATION, ET AL.,
Plaintiffs-Appellees,

v.

RONALD DESANTIS, GOVERNOR, STATE OF FLORIDA,
Defendant-Appellant.

On Appeal from the United States District Court
for the Northern District of Florida
No. 4:25-cv-516-MW

**APPELLANT'S OPPOSED MOTION TO
EXPEDITE PROCEEDINGS**

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July 28, 2026

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MOTION TO EXPEDITE PROCEEDINGS

Governor DeSantis respectfully requests that this Court assign this appeal to the next available oral-argument calendar and expedite its decision. *See* 11th Cir. R. 34-4(f); 28 U.S.C. § 1657(a). There is “good cause” for this request because this case involves significant public interests and constitutional issues. *See* 11th Cir. R. 34-4(f). And timely resolution of the request for reassignment is especially important given that the bench trial before the current district court judge is set for **March 15, 2027**. *See* DE89. Resolution of the issues on appeal before then—including reassignment—are important and necessary for the parties as they proceed in district court.

1. Governor DeSantis appealed an order preliminarily enjoining him from enforcing EO 25-244, an executive order that designated CAIR a terrorist organization and ensured certain state benefits will not flow to CAIR or any group that provides it material support. DE44. The district court enjoined enforcement of the EO against CAIR on March 4, 2026. DE43. Florida appealed two days later, DE44, and briefing before this court was completed on July 23, 2026. CA11-DE67.

Expedited resolution of the appeal is necessary given that the state suffers irreparable harm when valid state actions are enjoined. *Cf. Maryland v. King*, 567 U.S. 1301 (2012) (Roberts, C.J., in chambers); *see also United States v. Alabama*, 443 F. App'x 411, 419 (11th Cir. 2011) (expediting briefing and oral argument on preliminary injunction regarding state law). That harm is even more present when the underlying state action addresses terrorism and state safety. *See Knowlton v. City of Wauwatosa*, 119 F.4th 507, 516 (7th Cir. 2024) (“[T]he government has an interest in preventing emergencies and threats to public safety, not merely responding to them after they transpire.”); *see also Detroit Free Press v. Ashcroft*, 303 F.3d 681, 706 (6th Cir. 2002) (“The Government certainly has a compelling interest in preventing terrorism.”).

2. In addition to the equities and irreparable harms, the outstanding request for reassignment further warrants an accelerated decision from this Court. As explained in the briefing, Judge Walker’s rhetoric and conduct in this case has raised serious concerns about fairness and impartiality that is foundational to the judicial system. Those concerns warrant reassignment to a new district court judge for the remainder of this case. Yet district court proceedings continue, and the bench

trial before Judge Walker is currently set for March 15, 2027. A bench trial before Judge Walker while a reassignment request is pending creates uncertainty for the parties and for the district court. And any delay in ruling until after the trial also would undermine this Court's ability to grant the relief requested. *See In re White-Lett*, No. 23-10732, 2024 WL 578122, at *2 n.5 (11th Cir. Feb. 13, 2024) (expediting proceedings to avoid mootness concerns).

The parties conferred on this motion. Appellees do not believe that good cause exists to expedite the appeal, but they do not intend to file an opposition.

Dated: July 28, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

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/s/ David M.S. Dewhirst
Solicitor General

CERTIFICATE OF SERVICE

I certify that on July 28, 2026, I electronically filed this document with the Clerk of Court using the Court's CM/ECF system, which will send a notice of docketing activity to all parties who are registered through CM/ECF.

/s/ David M.S. Dewhirst
Solicitor General