

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

COMMONWEALTH OF MASSACHUSETTS; STATE OF CALIFORNIA; STATE OF ARIZONA; STATE OF MINNESOTA; STATE OF CONNECTICUT; STATE OF COLORADO; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF ILLINOIS; LAURA KELLY, in her official capacity as Governor of the State of Kansas; OFFICE OF THE GOVERNOR ex rel. Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; JOSH SHAPIRO, in his official capacity as Governor of the Commonwealth of Pennsylvania; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; and STATE OF WISCONSIN,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF AGRICULTURE; BROOKE ROLLINS, in her official capacity as U.S. Secretary of Agriculture; U.S. OFFICE OF MANAGEMENT AND BUDGET; RUSSELL VOUGHT, in his official capacity as Director of the U.S. Office of Management and Budget; and UNITED STATES OF AMERICA,

Defendants.

Case No. 1:25-cv-13165

**EMERGENCY HEARING
REQUESTED**

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiffs seek emergency relief from this Court because tens of millions of their residents are on the cusp of crisis: their life-saving benefits under the Supplemental Nutrition Assistance Program (SNAP) have been abruptly suspended by the federal government. Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 7.1, Plaintiffs respectfully move for a temporary restraining order enjoining this unlawful act.

The continued issuance of SNAP benefits is mandatory. Neither a lapse in appropriations,

nor a government shutdown, alters this requirement. Indeed, for years, and as recently as four weeks ago, the U.S. Department of Agriculture (USDA) consistently maintained that SNAP benefits will continue in the event of a shutdown because SNAP is a “core program[] of the nutrition safety net.” Yet on October 10, 2025, USDA without explanation changed course and directed state SNAP administrators to refrain from transferring massive state benefits data files to SNAP card vendors, without which SNAP benefits cannot be processed and paid. Then, on October 24, USDA suspended SNAP benefits altogether for November 2025. It provided no explanation for the suspension, or for its refusal to use available resources to fund SNAP.

Plaintiffs satisfy the requirements for temporary emergency relief from USDA’s actions to suspend SNAP. First, Plaintiffs are likely to succeed on the merits of their claims because Defendants’ suspension of SNAP benefits are unlawful in multiple respects. The suspension is contrary to law in violation of 5 U.S.C. § 706(2)(A) and (C) of the Administrative Procedure Act because SNAP benefits are a mandatory entitlement, requiring federal payments so long as Congress has appropriated funds for them—and Congress has done so. Indeed, Congress appropriated a \$6 billion SNAP contingency reserve for this very eventuality, which USDA itself acknowledged are available to fund participant benefits should a lapse in appropriations occurs. The suspension is also arbitrary and capricious and an abuse of discretion, in violation of 5 U.S.C. § 706(2)(A). The abrupt decision to withhold appropriated funds for the payment of November 2025 SNAP benefits—after initially stating the contingency reserve was available and would be used to fund SNAP benefits, and days before those benefits were scheduled to become available—does not reflect reasoned decisionmaking, does not consider the reliance interests of Plaintiffs, and does not reasonably consider alternatives to such a drastic step. To the extent Defendants purport to have the discretion to determine whether to fund SNAP benefits using alternative appropriations, including the contingency reserve, the suspension of SNAP benefits

constitutes an abuse of that discretion in violation of 5 U.S.C. § 706(2)(A).

Second, Plaintiffs will suffer immediate and irreparable harm if the SNAP suspension is permitted to move forward. Among other harms, the suspension will cause widespread harm in Plaintiffs' administration of this food safety net program. Meanwhile, the food insecurity caused by a disruption in SNAP benefits will harm Plaintiffs' provision of other governmental services, including emergency medical care and education. These harms are devastating and have cascading effects throughout Plaintiffs' governmental functions.

Third, the balance of equities and the public interest weigh in favor of a temporary restraining order. Here, the public consequences stemming from this action cannot be overstated. Millions of Plaintiffs' residents will suffer hunger without SNAP benefits to pay for food, with ramifications across state healthcare systems, the agencies that administer these (and other) benefits, and other state benefits programs that will become overburdened through the abrupt cessation of SNAP payments. Defendants' assertion that such funds will not and cannot be made available do not demonstrate a comparable harm.¹

Wherefore, and for the reasons set forth in the accompanying memorandum of law, declarations, and evidence filed in support of this motion, Plaintiffs respectfully request that the Court immediately enter a temporary restraining order in the form set forth in the proposed order attached to this motion.

¹ Plaintiffs further request that the Court exercise its discretion to waive the requirement to post a bond under Rule 65(c). *See, e.g., Int'l Assoc. of Machinists & Aerospace Workers v. Eastern Airlines*, 925 F.2d 6, 9 (1st Cir. 1991) (finding "ample authority for the proposition that the provisions of Rule 65(c) are not mandatory and that a district court retains substantial discretion to dictate the terms of an injunction bond."); *Silva Medeiros v. Martin*, 458 F. Supp. 3d 122, 130 (D.R.I. 2020) (district court waived the bond requirement where it would pose a hardship on petitioners and unduly restrict the federal rights at issue); *cf. Pineda v. Skinner Services, Inc.*, 22 F.4th 47, 57 (1st Cir. 2021) (district court did not abuse its discretion when it did not require low-wage laborers to post a bond).

Dated: October 28, 2025

Respectfully submitted,

ANDREA JOY CAMPBELL
Attorney General of Massachusetts

/s/ Michelle Pascucci
MICHELLE PASCUCCI (BBO #690889)
State Trial Counsel
LIZA HIRSCH (BBO #683273)
Chief, Children's Justice Unit
CASSANDRA THOMSON (BBO #705942)
Assistant Attorney General
Office of the Massachusetts Attorney
General
1 Ashburton Place Boston, MA 02108
(617) 963-2255
michelle.pascucci@mass.gov
cassandra.thomson@mass.gov
*Attorneys for Plaintiff Commonwealth of
Massachusetts*

ROB BONTA
Attorney General of California
PAUL STEIN*
Supervising Deputy Attorney General

/s/ Maria F. Buxton
MARIA F. BUXTON*
CHRISTOPHER KISSEL*
LIAM O'CONNOR*
RYAN EASON*
SEBASTIAN BRADY*
WILLIAM BELLAMY
DEPUTY ATTORNEYS GENERAL
Attorneys for Plaintiff State of California

KEITH ELLISON
Attorney General of Minnesota

/s/ Joseph R. Richie
JOSEPH R. RICHIE*
Special Counsel
445 Minnesota Street, Suite 1400
St. Paul, Minnesota, 55101
(651) 300-0921
joseph.richie@ag.state.mn.us
Attorneys for Plaintiff State of Minnesota

KRISTIN MAYES
Attorney General of Arizona

/s/ Luci D. Davis
JOSHUA D. BENDOR (AZ No. 031908)*
Solicitor General
HAYLEIGH S. CRAWFORD (AZ No.
032326)*
Deputy Solicitor General
LUCI D. DAVIS (AZ No. 035347)*
Senior Litigation Counsel
2005 N. Central Ave. Phoenix, AZ 85004
(602) 542-3333
Joshua.Bendor@azag.gov
Hayleigh.Crawford@azag.gov
Luci.Davis@azag.gov
ACL@azag.gov
Attorneys for Plaintiff State of Arizona

PHILIP J. WEISER
Attorney General of Colorado

/s/ Tanja E. Wheeler
TANJA E. WHEELER*
Associate Chief Deputy Attorney General
Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203
Phone: (720) 508-6000
Tanja.wheeler@coag.gov
Attorneys for Plaintiff State of Colorado

WILLIAM TONG
Attorney General of Connecticut

/s/ Patricia E. McCooey
PATRICIA E. MCCOOEY*
Assistant Attorney General
165 Capitol Ave
Hartford, CT 06106
(860) 808-5020
Patricia.McCooey@ct.gov
Attorneys for Plaintiff State of Connecticut

KATHLEEN JENNINGS
Attorney General of Delaware

/s/ Ian R. Liston
IAN R. LISTON*
Director of Impact Litigation
VANESSA L. KASSAB*
Deputy Attorney General
ROSE E. GIBSON*
Assistant Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
Ian.Liston@delaware.gov
Attorneys for Plaintiff State of Delaware

BRIAN L. SCHWALB
Attorney General for the District of
Columbia

/s/ Nicole S. Hill
NICOLE S. HILL*
Assistant Attorney General
Office of the Attorney General for the
District of Columbia
400 Sixth Street, NW
Washington, D.C. 20001
(202) 727-4171
Nicole.hill@dc.gov
Attorneys for Plaintiff District of Columbia

ANNE E. LOPEZ
Attorney General of Hawai'i

/s/ Kaliko 'onālani D. Fernandes
DAVID D. DAY*
Special Assistant to the Attorney General
KALIKO'ONĀLANI D. FERNANDES*
Solicitor General
425 Queen Street
Honolulu, HI 96813
(808) 586-1360
kaliko.d.fernandes@hawaii.gov
Attorneys for Plaintiff State of Hawai'i

KWAME RAOUL
Attorney General of Illinois

/s/ Harpreet K. Khera
HARPREET K. KHERA*
Bureau Chief, Special Litigation
ALICE L. RIECHERS*
Assistant Attorney General
115 S. LaSalle St., 35th Flr.
Chicago, Illinois 60603
(773) 590-7127
Harpreet.Khera@ilag.gov
Attorneys for Plaintiff State of Illinois

LAURA KELLY, in her official capacity as
Governor of the State of Kansas

/s/ Justin Whitten

JUSTIN WHITTEN*

General Counsel

ASHLEY STITES-HUBBARD*

Deputy Chief Counsel

Office of the Kansas Governor

300 SW 10th Ave, Room 541-E

Topeka, KS 66612

(785) 296-3930

Justin.h.whitten@ks.gov

Ashley.stiteshubbard@ks.gov

Counsel for Governor Laura Kelly

OFFICE OF THE GOVERNOR *ex rel.* Andy
Beshear, in his official capacity as
Governor of the Commonwealth of
Kentucky

/s/ S. Travis Mayo

S. TRAVIS MAYO*

General Counsel

TAYLOR PAYNE

Chief Deputy General Counsel

LAURA C. TIPTON

Deputy General Counsel

Office of the Governor

501 High Street

Frankfort, KY 40601

(502) 564-2611

travis.mayo@ky.gov

taylor.payne@ky.gov

laurac.tipton@ky.gov

Attorneys for Plaintiff Kentucky Governors' Office

AARON M. FREY

Attorney General of Maine

/s/ Brendan Kreckel

BRENDAN KRECKEL*

Assistant Attorney General

Office of the Attorney General

6 State House Station

Augusta, ME 0433-0006

Tel.: 207-626-8800

Fax: 207-287-3145

brendan.kreckel@maine.gov

Attorneys for Plaintiff State of Maine

ANTHONY G. BROWN

Attorney General of Maryland

/s/ James C. Luh

JAMES C. LUH*

Senior Assistant Attorney General

Office of the Attorney General

200 Saint Paul Place, 20th Floor

Baltimore, Maryland 21202

410-576-6411

jluh@oag.state.md.us

Attorneys for Plaintiff State of Maryland

DANA NESSEL
Attorney General of Michigan

/s/ Neil Giovanatti
NEIL GIOVANATTI*
DANIEL PING*
Assistant Attorneys General
Michigan Department of Attorney General
525 W. Ottawa
Lansing, MI 48909
(517) 335-7603
GiovanattiN@michigan.gov
PingD@michigan.gov
Attorneys for Plaintiff State of Michigan

AARON D. FORD
Attorney General of Nevada

/s/ K. Brunetti Ireland
K. BRUNETTI IRELAND*
Chief of Special Litigation
Office of the Nevada Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, NV 89119
kireland@ag.nv.gov
Attorneys for Plaintiff State of Nevada

MATTHEW J. PLATKIN
Attorney General of New Jersey

/s/ Kashif T. Chand
KASHIF T. CHAND (NJ BAR NO.
016752008)*
Assistant Attorney General
New Jersey Office of the Attorney General,
Division of Law
124 Halsey Street, 5th Floor
Newark, NJ 07101
Tel: (973) 648-2052
kashif.chand@law.njoag.gov
Attorneys for Plaintiff State of New Jersey

RAÚL TORREZ
Attorney General of the State of New
Mexico

/s/ Anjana Samant
ANJANA SAMANT*
Deputy Counsel
New Mexico Department of Justice
408 Galisteo Street
Santa Fe, New Mexico 87501
505-270-4332
asamant@nm DOJ.gov
Attorneys for the State of New Mexico

LETITIA JAMES
Attorney General of New York

/s/ Molly Thomas-Jensen
MOLLY THOMAS-JENSEN*
Special Counsel
MARK LADOV*
Special Counsel
28 Liberty St.
New York, NY 10005
(212) 416-8240
molly.thomas-jensen@ag.ny.gov
Mark.ladov@ag.ny.gov
Attorneys for Plaintiff State of New York

JEFF JACKSON
Attorney General of North Carolina

LAURA HOWARD
Chief Deputy Attorney General
/s/ Adrian Dellinger
ADRIAN DELLINGER*
Assistant Attorney General
North Carolina Department of Justice
PO Box 629
Raleigh, NC 27602
(919) 716-6813
ADellinger@ncdoj.gov
Counsel for State of North Carolina

DAN RAYFIELD
Attorney General of Oregon

By: /s/ Leanne Hartmann
LEANNE HARTMANN, Mass. BBO
#667852
Senior Assistant Attorney General
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
Tel (971) 673-1880
Fax (971) 673-5000
Email:
Leanne.Hartmann@doj.oregon.gov
Attorneys for Plaintiff Oregon

JOSH SHAPIRO, in his official capacity as
Governor of the Commonwealth of
Pennsylvania

JENNIFER SELBER
General Counsel

/s/ Jacob B. Boyer
JACOB B. BOYER
Deputy General Counsel
Pennsylvania Office of the Governor
30 N. 3rd St., Suite 200
Harrisburg, PA 17101
(717) 460-6786
jacobboyer@pa.gov
Counsel for Governor Josh Shapiro

PETER F. NERONHA
Attorney General of Rhode Island

/s/ Madeline R. Becker
MADELINE R. BECKER (RI BAR NO.
10034)*
Special Assistant Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 2151
mbecker@riag.ri.gov
*Attorneys for Plaintiff State of Rhode
Island*

NICHOLAS W. BROWN
Attorney General of Washington

/s/ William McGinty
WILLIAM MCGINTY, WSBA #41868
Assistant Attorneys General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
206-464-7744
william.mcginty@atg.wa.gov
Attorneys for Plaintiff State of Washington

JOSHUA L. KAUL
Attorney General of Wisconsin

/s/ Faye B. Hipsman
FAYE B. HIPSMAN*
Assistant Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
608-264-9487
faye.hipsman@wisdoj.gov
Attorneys for Plaintiff State of Wisconsin

CHARITY R. CLARK
Attorney General for the State of Vermont

/s/ Ryan P. Kane
RYAN P. KANE
Deputy Solicitor General
109 State Street
Montpelier, VT 05609
(802) 828-2153
Ryan.kane@vermont.gov
Attorneys for Plaintiff State of Vermont

** pro hac vice forthcoming*

CERTIFICATE OF SERVICE

I, Michelle Pascucci, certify that on October 28, 2025, I provided a copy of the foregoing document and all attachments to the following attorneys at the U.S. Department of Justice by electronic mail:

Jason Altabet
Trial Attorney
Federal Programs Branch
U.S. Department of Justice
jason.k.altabet2@usdoj.gov

Abraham George
Chief, Civil Division
U.S. Attorney's Office for the District of Massachusetts
abraham.george@usdoj.gov

Rayford Farquhar
Chief, Defensive Litigation, Civil Division
U.S. Attorney's Office for the District of Massachusetts
rayford.farquhar@usdoj.gov

/s/ Michelle Pascucci
Michelle Pascucci (BBO #690889)

LOCAL RULE 7.1 CERTIFICATE

I, Michelle Pascucci, certify that on October 28, 2025, I conferred with counsel for the government by teleconference, during which the parties were unable to resolve the dispute at issue in this motion.

/s/ Michelle Pascucci
Michelle Pascucci (BBO #690889)