



Roundup: Trump-Era Agency Policy in the Courts

The Institute for Policy Integrity ¹ tracks the outcomes of litigation over the Trump administration's use of agencies to deregulate as well as to implement its other policy priorities. ² This Roundup includes litigation over agency actions such as regulations, guidance documents, and agency memoranda. ³



Unsuccessful

An outcome is considered unsuccessful for the Trump administration if (1) a court ruled against the agency or (2) the relevant agency withdrew the action after being sued. ⁴ If there are different rulings on the same agency action, the entry is assigned an "X" as long as one court ruled against the agency. ⁵



Successful

An outcome is considered successful for the Trump administration if the agency won the lawsuit without having to withdraw the challenged action. ⁶

59 outcomes total.

| Outcome | Case | Category | Judge Appointment ⁷ |
|---------|------|----------|--------------------------------|
|---------|------|----------|--------------------------------|



New York, et al. v. U.S. Dep't of Health & Human Servs., No. 19-04676 (S.D.N.Y. November 6, 2019)

Healthcare

Democratic

November 6, 2019: A federal district court vacated a Department of Health and Human Services rule that, among other things, allowed healthcare providers to refuse service based on a religious or moral objection.



Conservation Law Found. v. Ross, No. 18-1087, 2019 U.S. Dist. LEXIS 186052 (D.D.C. October 28, 2019)

Environmental

Democratic

October 28, 2019: A federal district court restored prohibitions on gillnet fishing in two regions that serve as whale feeding grounds after the National Marine Fisheries Service illegally promulgated rules lifting those prohibitions.



New York v. United States Dep't of Homeland Sec., No. 19-07777, 2019 U.S. Dist. LEXIS 177323 (S.D.N.Y. Oct. 11, 2019)

Immigration

Democratic

October 11, 2019: A federal district court granted a preliminary injunction and stay of a rule that would substantially expand the Department of Homeland Security's ability to deny applications for lawful permanent residency by deeming immigrants likely to become "public charges."



Mozilla Corp. v. FCC, No. 18-1051, 2019 U.S. App. LEXIS 29480 (D.C. Cir. Oct. 1, 2019)

Telecommunications

Democratic

October 1, 2019: A federal appeals court largely denied petitions for review of the Federal Communications Commission's "Restoring Internet Freedom" Order. The court remanded certain sections of the order for reconsideration and vacated the section that preempted states from requirements that are inconsistent with the order's "deregulatory approach."



New York v. EPA, No. 19-1019, 2019 U.S. App. LEXIS 29539 (D.C. Cir. Oct. 1, 2019)

Environmental

Republican

October 1, 2019: A federal appeals court held that EPA had impermissibly allowed upwind states to continue emitting air pollution that significantly contributes to downwind air quality problems.



Make the Road New York, et al., v. Kevin McAleenan, et al., No. 19-cv-2369, 2019 U.S. Dist. LEXIS 166944 (D.D.C. September 27, 2019)

Immigration

Democratic

September 27, 2019: A federal district court granted a preliminary injunction enjoining a rule that expanded fast-track deportations after finding that plaintiffs were likely to succeed in showing that the Department of Homeland Security had violated notice and comment requirements and had arbitrarily ignored the rule's "potential negative impacts."



Prometheus Radio Project v. FCC, No. 17-1107, 2019 U.S. App. LEXIS 28673 (3rd Cir. Sept. 23, 2019)

Telecommunications

Democratic

September 23, 2019: A federal appeals court held that the Federal Communications Commission had failed to adequately analyze and consider the impact that its new rule would have on broadcast media ownership by women and racial minorities.



East Bay Sanctuary Covenant, et al. v. Barr, et al., No. 19-cv-04073 (N.D. Cal. 2019), stayed (U.S.S.C Sept. 11, 2019)

Immigration

Democratic

September 9, 2019: A federal district court in California enjoined a rule that categorically denied asylum to those entering the United States at the southern border who did not first apply for asylum in another country.



Clean Water Action, et al. v. EPA, et al., No. 18-60079, 2019 U.S. App. LEXIS 26001 (5th Cir. Aug. 28, 2019)

Environmental

Republican

August 28, 2019: A federal appeals court [held](#) that EPA's [postponement](#) of compliance dates for restrictions on toxic-metal wastewater discharges from power plants was not arbitrary and capricious. (This is the second delay of that rule. A previous delay was withdrawn. See the entry dated September 18, 2017.)



Merck & Co., Inc. v. U.S. Dep't of Health & Human Servs., 385 F. Supp. 3d 81 (D.D.C. 2019), appeal filed (D.C. Cir. 19-5222)

Consumer Protection, Healthcare

Democratic

July 8, 2019: A federal district court in D.C. [held](#) that a Department of Health and Human Services [rule](#) requiring drug manufacturers to post drug prices in T.V. ads was not statutorily authorized.



Department of Commerce v. New York, 139 S.Ct. 2551, 2575 (2019)

Immigration

Republican

June 27, 2019: The U.S. Supreme Court [held](#) that the Secretary of Commerce's [decision](#) to reinstate a question concerning citizenship status on the census was arbitrary and capricious for failure to provide a reasoned explanation.



Center for Biological Diversity v. U.S. Bureau of Land Management, No. 17-8587, 2019 WL 2635587, at *1 (C.D. Cal. June 20, 2019)

Environmental

Republican

June 20, 2019: A federal district court in California [held](#) that the Bureau of Land Management had failed to adequately explain its decision [to withdraw](#) the agency's prior opinion requiring federal review for projects that could affect national parks and other public lands.



United Steel, et al. v. MSHA, et al., 925 F.3d 1279
(D.C. Cir. 2019)

*Worker Protection
and Discrimination*

Mixed

June 11, 2019: A federal appeals court in D.C. vacated the Mine Safety and Health Administration's amended rule on safety inspections, holding that the amendment illegally reduced mine safety, and reinstated the prior stricter safety standard.



American Academy of Pediatrics v. Food and Drug Administration, 379 F.Supp.3d 461, 497 (D. Md. 2019)

*Consumer
Protection*

Democratic

May 15, 2019: A federal district court in Maryland held that the Food and Drug Administration had illegally failed to follow notice-and-comment requirements and the governing statute when the agency delayed a rule that would have required e-cigarette manufacturers to obtain pre-approval before marketing their products.



California v. EPA, No. 18-3237, 2019 WL 1995769
(N.D. Cal. May 6, 2019)

Environmental

Democratic

May 6, 2019: A federal district court in California ordered EPA to quit delaying in the implementation of a rule designed to limit methane emissions at landfills.



Citizens for Clean Energy, et al. v. U.S. Department of the Interior, et al., No. 17-30, 2019 U.S. Dist. LEXIS 67259 (D. Montana Apr. 19, 2019)

Environmental

Democratic

April 19, 2019: A federal district court in Montana remanded Interior's decision to lift the existing moratorium on federal lands after finding that the agency had improperly failed to look at the environmental consequences of the decision.



Friends of Alaska, et al. v. Bernhardt, et al., 381 F. Supp. 3d 1127 (D. Alaska 2019), appeal dropped (9th Cir. 19-35451)

Environmental

Democratic

March 29, 2019: A federal district court in Alaska vacated the Department of Interior's decision to reverse course and open an Alaskan refuge to road construction. The court found that the agency had illegally ignored its prior determination regarding the road's environmental impact and failed to provide a reasoned explanation for departing from the decision not to build the road.



California v. Interior, 381 F. Supp. 3d 1153 (N.D. Cal. 2019)

Environmental

Republican

March 29, 2019: A federal district court in California vacated Interior's repeal of the Valuation Rule reforming the procedures governing royalties.



New York v. U.S. Department of Labor, 363 F.Supp.3d 109 (D.D.C. 2019), appealed filed (D.C. Cir. 19-5125)

Healthcare

Republican

March 28, 2019: A federal district court in D.C. held that the Department of Labor's rule regarding association health plans was designed to circumvent the healthcare market requirements imposed by the Affordable Care Act and exceeded the agency's statutory authority under ERISA.



Stewart v. Azar, 366 F. Supp. 3d 125, 130 (D.D.C. 2019)

Healthcare

Democratic

March 27, 2019: A federal district court in DC [held](#) that Health and Human Service's November 20, 2018, [decision](#) approving Kentucky's Medicaid work requirement plan—an effort to roll back the Medicaid expansion in the Affordable Care Act—was arbitrary and capricious for failure to address the lost coverage that would occur under the decision. (A previous and similar rule was also vacated. See the entry dated June 29, 2018.)



National Women's Law Center v. Office of Management and Budget, 358 F. Supp. 3d 66 (D.D.C. 2019), appeal filed (D.C. Cir. 19-5130)

Worker Protection and Discrimination

Democratic

March 4, 2019: A federal district court in DC [vacated](#) the Office of Management and Budget's (OMB) [stay](#) of the Equal Employment Opportunity Commission's 2016 wage discrimination data collection effort for failure to comply with OMB's own regulations.



State of California, et al. v. Alex M. Azar, 351 F. Supp. 3d 1267 (N.D. Cal. 2019), appeal filed (9th Cir. 19-15150)

Healthcare

Democratic

January 13, 2019: A federal district court entered a non-nationwide preliminary injunction enjoining enforcement of two rules that would have allowed more employers to claim exemptions from the requirement that their health plans cover contraceptive services at no cost under the Affordable Care Act. The court held that plaintiffs were likely to succeed at showing that the new rules were not in accordance with the Affordable Care Act and thus violated the Administrative Procedure Act. Another federal district court in Pennsylvania blocked the suspensions on a nationwide basis. See *Pennsylvania v. President*, 351 F. Supp. 3d 791 (E.D. Pa. 2019), affirmed, No. 17-3752, 2019 WL 3057657 (3rd Cir. July 12, 2019). (The two new rules had replaced a rule that had previously been enjoined. See the entry dated December 15, 2017.)



Regents of the University of California v. U.S. Department of Homeland Security, 908 F.3d 476 (9th Cir. 2018), cert granted (Nos. 18-587, 18-588, 18-589)

Immigration

Democratic

November 8, 2018: A federal appeals court affirmed a decision enjoining the Department of Homeland Security's rescission of Deferred Action for Childhood Arrivals (DACA) on the grounds that plaintiffs were likely to succeed in demonstrating that the rescission was arbitrary and capricious. A different federal district court separately enjoined the rescission. *Batalla Vidal v. Nielsen*, 279 F. Supp. 3d 401, 429 (E.D.N.Y. 2018). Another court vacated the rescission. *National Association for the Advancement of Colored People v. Trump*, 315 F. Supp. 3d 457, 461 (D.D.C. 2018). A third district court denied a motion to enjoin the rescission, but the rescission remains enjoined given the multiple decisions ruling against the agency. See *Casa De Maryland v. U.S. Department of Homeland Security*, 284 F. Supp. 3d 758, 779 (D. Md. 2018)



Oceana, Inc. v. Ross, No. 17-cv-05146, 2018 U.S. Dist. LEXIS 185369, *14 (C.D. Cal. Oct. 24, 2018), appeal dropped (9th Cir. 19-55021)

Environmental

Republican

October 24, 2018: A federal district court in California held that federal defendants' decision to withdraw a proposed regulation protecting fish species from inadvertent death or injury through gillnets was arbitrary and capricious.



Paralyzed Veterans of America, Inc. v. U.S. Department of Transportation, Nos. 17-1272, 18-5016 (D.C. Cir.)

Consumer Protection

N/A

October 23, 2018: The Department of Transportation (DOT) announced that airlines should comply with the Reporting Rule, a rule designed to make air travel safer and easier for passengers with disabilities, after the Paralyzed Veterans of America filed a lawsuit, challenging DOT's unlawful decision to delay implementation of the rule.



Ramos v. Nielsen, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), appeal filed (9th Cir. 18-16981).

Immigration

Democratic

October 3, 2018: A federal district court in California enjoined the Department of Homeland Security's decision to terminate Temporary Protected Status for individuals from Haiti, Sudan, Nicaragua, and El Salvador after finding that plaintiffs were likely to succeed in proving that the agency violated the Administrative Procedure Act.



Organization for Competitive Markets v. U.S. Department of Agriculture, 912 F.3d 455 (8th Cir. 2018)

Agriculture and Pesticides

Republican

September 26, 2018: A federal appeals court [found](#) that it was not arbitrary and capricious for the U.S. Department of Agriculture to [withdraw](#) an [interim final rule](#) and [proposed regulations](#) related to the marketing of livestock, meat, and poultry.



Bauer v. DeVos, 325 F. Supp. 3d 74 (D.D.C. 2018)

Education

Democratic

September 12, 2018: A federal district court in D.C. [found](#) that the Department of Education's [third delay](#) of the [Borrower Defense Rule](#) was illegal because the agency failed to comply with the negotiated rulemaking requirements of the Higher Education Act.



Bauer v. DeVos, 325 F. Supp. 3d 74 (D.D.C. 2018)

Education

Democratic

September 12, 2018: A federal district court in D.C. [found](#) that the Department of Education's [second delay](#) of the the [Borrower Defense Rule](#) was contrary to the Higher Education Act.



Bauer v. DeVos, 325 F. Supp. 3d 74 (D.D.C. 2018)

Education

Democratic

September 12, 2018: A federal district court in D.C. [found](#) that the Department of Education's [first delay](#), issued under section 705 of the Administration Procedure Act, of the [Borrower Defense Rule](#) was arbitrary and capricious for failure to provide any meaningful analysis or valid reasons for the delay.



National Fair Housing Alliance v. Carson, 330 F. Supp. 3d 14 (D.D.C. 2018)

Housing

Democratic

August 17, 2018: A federal district court in D.C. granted a motion to dismiss a claim that the U.S. Department of Housing and Urban Development had illegally withdrawn a tool necessary for compliance with fair housing requirements.



Air Alliance Houston v. EPA, 906 F.3d 1049 (D.C. Cir. 2018)

Environmental

Democratic

August 17, 2018: A federal appeals court held that the Environmental Protection Agency's suspension of the Chemical Disaster Rule violated the Clean Air Act and was arbitrary and capricious for failure to provide a reasoned explanation.



South Carolina Coastal Conservation League v. Pruitt, 318 F. Supp. 3d 959 (D.S.C. 2018), appeal dropped (4th Cir. No. 18-1988)

Environmental

Republican

August 16, 2018: A federal district court in South Carolina enjoined the Environmental Protection Agency's (EPA) delay of the Clean Water Rule, holding that the agency improperly failed to seek public comment on the full scope of the action.

Later, a separate federal district court in Washington vacated EPA's delay of the Clean Water Rule for the same reason. *Puget Soundkeeper Alliance v. Wheeler*, No. C15-1342, 2018 WL 6169196 (W.D. Wa. Nov. 26, 2018), appeal dropped (9th Cir. No. 19-35074).



Natural Resources Defense Council v. Department of Energy, No. 17-06989 (S.D.N.Y.)

Environmental

N/A

August 13, 2018: The Department of Energy lifted a suspension of efficiency rules for air conditioners and heat pumps after being sued for failing to comply with the law in delaying. The court later found that the suspension was arbitrary and capricious and that the challenge was not moot, despite the agency's decision to lift the suspension. See *Natural Resources Defense Council v. Department of Energy*, No. 17-06989, 2019 WL 858748 (S.D.N.Y. Feb. 22, 2019).



League of United Latin American Citizens v. Wheeler, 899 F.3d 814 (9th Cir. 2018)

Agriculture and Pesticides

Democratic

August 9, 2018: A federal appeals court held that the Environmental Protection Agency's reversal of the conclusion that the pesticide chlorpyrifos should be restricted violated the Federal Food, Drug, and Cosmetic Act.



Environmental Defense Fund, et al. v. EPA, No. 18-1190 (D.C. Cir.); *California et al. v. EPA*, No. 18-1192 (D.C. Cir.)

Environmental

N/A

July 27, 2018: The Environmental Protection Agency withdrew a memorandum promising that the agency would not enforce a 2016 rule limiting glider truck emissions after the agency was sued for failing to comply with the Administrative Procedure Act's notice-and-comment requirements and for lack of statutory authority to put off the 2016 rule.



Stewart v. Azar, 313 F. Supp. 3d 237, 243 (D.D.C. 2018)

Healthcare

Democratic

June 29, 2018: A federal district court in DC held that Health and Human Service's January 12, 2018, decision approving Kentucky's Medicaid work requirement plan—an effort to roll back the Medicaid expansion in the Affordable Care Act—was arbitrary and capricious for failure to address the lost coverage that would occur under the decision.



New York, et al. v. Pruitt, No. 18-04739 (S.D.N.Y.)

*Environmental,
Worker Protection
and Discrimination*

N/A

June 22, 2018: The Environmental Protection Agency published training materials for farmers exposed to poisonous pesticides after being sued for illegally delaying the release of those materials.



Healthy Teen Network v. Azar, 322 F. Supp. 3d 647 (D. Md. 2018), appeal dropped (4th Cir. 18-1709)

Healthcare

Democratic

April 25, 2018: A federal district court in Maryland held that Health and Human Service's decision to terminate a grant for teen pregnancy prevention was arbitrary and capricious for failure to address the relevant statutory factors. Other district courts have ruled against similar terminations for other grantees.



Natural Resources Defense Council v. National Highway Traffic Safety Administration, 894 F.3d 95 (2d Cir. 2018)

Environmental

Republican

April 23, 2018: On April 23, 2018, a federal appeals court vacated the National Highway Traffic Safety Administration's (NHTSA) delay of its 2016 rule adjusting penalties for violations of fuel economy standards, explaining that an opinion would follow.

On June 29, 2018, the court issued its opinion, holding that NHTSA did not have statutory authority for the suspension and that NHTSA violated the Administrative Procedure Act's notice-and-comment requirements.



Pineros y Campesinos Unidos del Noroeste v. Pruitt, 293 F. Supp. 3d 1062 (N.D. Cal. 2018)

Agriculture and Pesticides

Republican

March 21, 2018: A federal district court in California held that the Environmental Protection Agency's delays of a rule designed to limit harmful pesticide use were illegal because the agency failed to comply with the Administrative Procedure Act's notice-and-comment requirements.



In re Ozone Designation Litigation, 286 F. Supp. 3d 1082 (N.D. Cal. 2018)

Environmental

Democratic

March 12, 2018: A federal district court in California held that EPA's delay in completing a step in the implementation of new ozone emissions rules violated the Clean Air Act.



California v. U.S. Bureau of Land Management, 286 F. Supp. 3d 1054 (N.D. Cal. 2018), appeal dropped (9th Cir. No. 18-15711)

Environmental

Democratic

February 22, 2018: A federal district court in California issued a preliminary injunction enjoining the Bureau of Land Management's second delay of the Waste Prevention Rule. The court held that plaintiffs were likely to prevail in showing that the rule was arbitrary and capricious in part because the agency failed to give any reasons for turning its back on the facts underlying its decision to issue the Waste Prevention Rule in the first place.



Sierra Club v. Pruitt, 293 F. Supp. 3d 1050 (N.D. Cal. 2018)

Environmental

Republican

February 16, 2018: A federal district court in California held that the Environmental Protection Agency's stay of a rule limiting formaldehyde emissions from composite wood products violated the Formaldehyde Act, because the Act requires expeditious compliance with the standards.



Natural Resources Defense Council v. Perry, 302 F. Supp. 3d 1094 (N.D. Cal. 2018), affirmed 2019 U.S. App. LEXIS 30341 (9th Cir. Oct. 10, 2019)

Environmental

Democratic

February 15, 2018: A federal district court in California held that the Department of Energy illegally delayed publishing stricter energy efficiency standards for industrial equipment and home appliances. The Ninth Circuit has now affirmed the lower court ruling.



Open Communities Alliance v. Carson, 286 F. Supp. 3d 148 (D.D.C. 2017)

Housing

Democratic

December 23, 2017: A federal district court in Washington D.C. issued a [preliminary injunction](#) against the Department of Housing and Urban Development's [delay](#) of a [rule](#) increasing access to housing for low-income tenants.



Pennsylvania v. Trump, 281 F. Supp. 3d 553 (E.D. Pa. 2017), affirmed, 2019 U.S. App. LEXIS 20778 (3d Cir. No. 18-1253)

Healthcare

Democratic

December 15, 2017: A federal district court in Pennsylvania [enjoined](#) rules that had allowed more employers to claim exemptions from the requirement that their health plans cover contraceptive services at no cost under the Affordable Care Act. A separate court in California also [enjoined](#) the rule.



National Venture Capital Association v. Duke, 291 F. Supp. 3d 5 (D.D.C. 2017)

Immigration

Democratic

December 1, 2017: A federal district court in Washington D.C. [vacated](#) the [delay](#) of the [Entrepreneur Rule](#), holding that the delay violated the Administrative Procedure Act's notice-and-comment requirements.



California v. U.S. Bureau of Land Management, 277 F. Supp. 3d 1106 (N.D. Cal. 2017), appeal dropped (9th Cir. No. 17–17456)

Environmental

Democratic

October 4, 2017: A federal district court in California vacated the Bureau of Land Management's delay of the Waste Prevention Rule, a rule limiting waste of natural gas. The court found that the agency violated the Administrative Procedure Act's notice-and-comment requirements and that the agency had arbitrarily failed to consider the forgone benefits of the Waste Prevention Rule.



Clean Air Carolina v. U.S. Department of Transportation, No. 17 Civ. 5779 (S.D.N.Y.)

Environmental

N/A

September 28, 2017: After being sued for violating notice-and-comment requirements, the Federal Highway Administration announced that it would end the indefinite delay of its greenhouse gas measurement rule.



Center for Science in the Public Interest v. Price, No. 17-CV-1085 (D.D.C.)

Healthcare

N/A

September 27, 2017: After being sued for delaying a rule that would have required restaurants to post calorie counts, the agency agreed to allow the rule to come into effect.



Clean Water Action v. Pruitt, No. 17-0817 (D.D.C.)

Environmental

N/A

September 18, 2017: After being sued, EPA withdrew the indefinite delay of a rule restricting toxic-metal wastewater discharges from power plants, and replaced it with a new delay. Later, a federal district court in D.C. denied summary judgment against the Environmental Protection Agency (EPA), finding that the challenge to the delay was moot because it had been withdrawn. 315 F. Supp. 3d 72 (D.D.C. 2018), appeal docketed (D.C. Cir. No. 18-5149).



Becerra v. U.S. Department of Interior, 276 F. Supp. 3d 953 (N.D. Cal. 2017)

Environmental

Democratic

August 30, 2017: A federal district court in California held that the Department of Interior's delay of a rule reforming the procedures governing royalties violated the Administrative Procedure Act in two ways: (1) the agency had failed to seek public comment on the delay and (2) the agency lacked statutory authority for the delay.



Natural Resources Defense Council, et al. v. EPA, No. 17-1157 (D.C. Cir.)

Environmental

N/A

August 29, 2017: The Environmental Protection Agency allowed a rule limiting methane emissions at landfills to come back into effect after being sued for delaying the rule without statutory authority.



American Lung Association v. EPA, No. 17-1172 (D.C. Cir.)

Environmental

N/A

August 10, 2017: After being sued for acting outside of its statutory authority, the Environmental Protection Agency pulled back on the delay of a rule restricting harmful ozone pollution.



Clean Air Council v. Pruitt, 862 F.3d 1 (D.C. Cir. 2017)

Environmental

Democratic

July 3, 2017: The U.S. Court of Appeals vacated the Environmental Protection Agency's (EPA) delay of a rule limiting methane leaks at oil and gas facilities. The rule requires companies to plug methane leaks, which would help recover valuable natural gas as well as help clean up the air. EPA delayed the rule, claiming that industry had raised objections that could not have been raised prior to the rule's issuance. The court found that EPA was wrong. Not only could the objections have been raised earlier, but they were in fact raised by industry before the rule was finalized.



Natural Resources Defense Council v. EPA, et al., No. 17-00751 (S.D.N.Y.)

Environmental

N/A

June 14, 2017: After being sued for failing to follow notice-and-comment procedures, the Environmental Protection Agency published a final rule setting limits on discharges of mercury from dental offices, which had been withdrawn from the Office of Federal Register in January 2017 prior to publication.



Natural Resources Defense Council v. Perry, No. 17-916 (2d Cir.); *New York, et al. v. Perry*, No. 17-918 (2d Cir.)

Environmental

N/A

May 24, 2017: After being sued for failing to comply with the law in delaying conservation standards for ceiling fans, the Department of Energy announced that the rule would come into effect as originally scheduled.



Natural Resources Defense Council v. Interior, No. 17-01130 (S.D.N.Y.)

Environmental

N/A

March 21, 2017: After being [sued](#) for failing to follow notice-and-comment procedures in its [delay](#) of protections for the rusty patched bumble bee, the Department of Interior [allowed](#) the listing to go into effect.

The Institute for Policy Integrity has filed amicus briefs in several of the cases discussed in this Roundup. Policy Integrity did not represent any of the parties. [^](#)

The Roundup does not include litigation over executive orders or individual project-level decisions. It includes outcomes of all cases of which we are aware and is continually updated with newly decided cases as well as new information and analysis. For questions or updates, contact [bethany.davisnoll @ nyu.edu](mailto:bethany.davisnoll@nyu.edu). [^](#)

At times, advocates have brought lawsuits over a single agency action in multiple different courts. The Roundup combines decisions from different courts regarding the same agency action in a single entry. [^](#)

Some rules that went back into effect were later repealed or further suspended by the relevant agency. Brookings [tracks](#) rulemaking activity on that front. [^](#)

If a ruling vacating or enjoining an agency action is not nationwide, that will be addressed in the chart. [^](#)

Lawsuits that were dismissed for reasons other than a finding that the agency had complied with the law are not included. There is a small number of such dismissals and those dismissals say nothing about whether the agency's action could survive judicial review. *See, e.g., _California Communities Against Toxics, et al., v. Environmental Protection Agency, et al.*, 934 F.3d 627 (D.C. Cir. 2019) (not a final agency action); *Free Press, et al. v. FCC, et al.*, 735 Fed. Appx. 731 (D.C. Cir. 2018) (*standing*); *_Organic Trade Association v. Department of Agriculture*, 370 F. Supp. 3d 98 (D.D.C. 2019) (*mootness*); *Sierra Club v. Environmental Protection Agency*, 926 F.3d 844 (D.C. Cir. 2019) (*improper venue*). [^](#)

This section tracks the political party affiliation of the judge's nominating president. If the decision was issued by a panel of judges, this section tracks the political party affiliation of the nominating president for the majority of the judges, in the majority. "Mixed" refers to a case where a panel of judges agreed on a ruling and those judges were nominated by presidents of different parties. "N/A" refers a case where the agency withdrew the action before a court could rule on the legality of the action. [^](#)