



Roundup: Trump-Era Agency Policy in the Courts

Between 2017 and 2021, the Institute for Policy Integrity ¹ documented the outcomes of litigation over the Trump administration's use of federal agencies to implement its policies. ² We tracked litigation over agency actions such as regulations, guidance documents, and agency memoranda. ³ The win-loss rate below reflects all decisions through January 20, 2021, when the Biden administration took office. ⁴ Any reversals or modifications on appeal that occurred during the remainder of 2021 are noted in the case descriptions. ⁵ As of April 25, 2022, those updates are no longer being added.



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. ⁶ 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. ⁷



Successful

An outcome is considered successful for the Trump administration if the agency won the lawsuit without having to withdraw the challenged action. ⁸

246 outcomes total.

Outcome Case

Category

Judge Appointment ⁹



American Lung Association v. EPA, No. 19-1140 (D.C. Cir. Jan. 19, 2021)

Environment, Energy, and Natural Resources

Democratic

Jan. 19, 2021: A federal appeals court in D.C. vacated the Affordable Clean Energy rule, the replacement to the Clean Power Plan.



International Brotherhood of Teamsters, Local 2785 v. Federal Motor Carrier Safety Administration, 986 F.3d 841 (9th Cir. 2021)

Worker Protection & Discrimination

Mixed

January 15, 2021: A federal appeals court held that the Federal Motor Carrier Safety Administration's decision that California's meal and rest break rules for commercial motor vehicles was preempted was a permissible interpretation of the Motor Carrier Safety Act of 1984.



National Immigrant Justice Center v. Executive Office for Immigration Review, No. 21-00056 (D.D.C. Jan. 14, 2021)

Immigration

Republican

January 14, 2021: A federal district court enjoined the Department of Justice from implementing a new rule, which created hurdles for asylum applicants, including establishing a 15-day filing deadline, heightening evidentiary standards in adjudicating such applications, and restricting immigration judges' autonomy in adjudicating cases.



University of Texas M.D. Anderson Cancer Center v. Department of Health and Human Services, 985 F.3d 472 (5th Cir. 2021)

Health

Republican

January 13, 2021: A federal appeals court held that Health and Human Services had violated its regulations in assessing a fine for Health Insurance Portability and Accountability Act.



Public Citizen Health Research Group v. Pizzella, No. 19-00166 (D.D.C. Jan. 11, 2021)

*Deregulation,
Worker
Protection &
Discrimination*

Republican

January 11, 2021: A federal district court rejected a challenge to the Occupational Safety and Health Administration's 2019 workplace injury and illness tracking rule—which rescinded portions of the agency's prior 2016 rule, thus relieving qualifying employers from reporting obligations, holding that the agency had not violated the reasoned explanation requirement.



Pangea Legal Services v. Department of Homeland Security, No. 20-07721 (N.D. Cal. Jan. 8, 2021)

Immigration

Democratic

January 8, 2021: A federal district court enjoined a Department of Justice and Department of Homeland Security final rule, which created new categories of crimes—beyond those statutorily delineated by Congress—that would bar individuals from asylum eligibility, finding that the rule was contrary to Congress's intent and exceeded the agencies' regulatory authority.



Gwich'in Steering Committee v. Bernhardt, No. 20-00204 (D. Alaska Jan. 5, 2021)

*Environment,
Energy, and
Natural
Resources*

Democratic

January 5, 2021: A federal district court denied a motion to enjoin the Bureau of Land Management's planned January 6, 2021 sale of leases on the Arctic National Wildlife Refuge, holding that the Bureau's record of decision did not authorize any immediate on-the-ground activities and thus plaintiffs had not met the irreparable harm requirement.



Teva Pharmaceuticals USA, Inc. v. Food and Drug Administration, 2020 WL 7828788 (D.D.C. 2020)

Health

Democratic

December 31, 2020: A federal district court in D.C. rejected drug maker claims that the Food and Drug Administration should be compelled to regulate product used to treat multiple sclerosis as a biological product under Public Health Service Act rather than as a drug under the Food, Drug, and Cosmetics Act.



Rural & Migrant Ministry v. Environmental Protection Agency, 20-10645, 2020 WL 7706782 (S.D.N.Y. 2020)

Environment, Energy, and Natural Resources, Deregulation, Worker Protection & Discrimination

Republican

December 29, 2020: A federal district court in New York enjoined EPA's new [rule](#) rolling back a [rule](#) that had placed restrictions on pesticide use, holding that EPA had failed to provide a reasoned explanation for the decision.



State v. Environmental Protection Agency, 983 F.3d 826 (5th Cir. 2020)

Environment, Energy, and Natural Resources

Republican

December 23, 2020: A federal appeals court held that Environmental Protection Agency had not unreasonably designated Bexar County, Texas as in nonattainment and three neighboring counties as in attainment with the 2015 Ozone National Ambient Air Quality Standards.



United Farm Workers v. Department of Labor, No. 20-01690, 2020 WL 7646406 (E.D.Cal. 2020)

*Immigration,
Worker
Protection &
Discrimination*

Democratic

December 23, 2020: A federal district court enjoined the Department of Labor's new [rule](#) changing the methodology for setting restrictions on the H-2A visa agricultural guestworker program on the grounds that the rule was not adequately explained.



Association of Community Cancer Centers v. Azar, No. 20-3531, 2020 WL 7640818 (D. Md. Dec. 23, 2020)

*Consumer
Protection &
Education,
Health*

Democratic

December 23, 2020: A federal district court in Maryland [enjoined](#) the Centers for Medicare and Medicaid Services from implementing its “[Most Favored Nation](#)” drug pricing model—which would tie payment and reimbursement for Medicare Part B drugs to the lowest prices paid internationally, after concluding that the agency violated notice-and-comment requirements.



Asbestos Disease Awareness Organization v. Wheeler, 2020 WL 7625445 (N.D. Cal. 2020)

*Environment,
Energy, and
Natural
Resources,
Health*

Democratic

December 22, 2020: A federal district judge in California held that EPA's denial of plaintiffs' rulemaking petitions regarding asbestos-related health risks under the Toxic Substances Control Act was arbitrary and capricious, holding that the agency had not considered all of the relevant factors and that its failure to collect reasonably available information ran contrary to the agency's obligations under the statute.



In re Gateway Radiology Consultants, P.A., 983 F.3d 1239 (11th Cir. 2020)

Housing & Public Assistance

Mixed

December 22, 2020: A federal appeals court held that the Small Business Administration permissibly excluded bankruptcy debtors from the Paycheck Protection Program established pursuant to the Coronavirus Aid, Relief, and Economic Security Act. The court reversed a lower court ruling to the contrary. Other courts agreed with the appeals court. See, e.g., *In re Penobscot Valley Hospital*, No. 19-10034, 2021 WL 150412 (Bkrcty.D.Me. 2021).



Rocky Mountain Wild v. Bernhardt, No. 19-00929, 2020 WL 7264914 (D. Utah Dec. 10, 2020), appeal dropped(10th Cir. No. 21-4120)

Environment, Energy, and Natural Resources

Republican

December 10, 2020: A federal district court in Utah denied a request to vacate 59 leases of public land in the Uinta Basin for oil and gas exploration, concluding that the agency complied with the National Environmental Policy Act in several respects and, while finding that the agency had failed to properly analyze two reasonable alternatives, explaining that the record did not indicate that, upon documenting its reasonable alternatives analysis, the agency would fail to justify a similar decision.



Center for Biological Diversity v. Bernhardt, 982 F.3d 723 (9th Cir. 2020)

Environment, Energy, and Natural Resources

Democratic

December 7, 2020: A federal appeals court vacated the Department of Interior's Bureau of Ocean Energy Management's approval of an offshore oil drilling and production facility along the coast of Alaska in the Beaufort Sea, finding that the Bureau acted arbitrarily and capriciously in failing to quantify—or explain why it could not quantify—the emissions resulting from foreign oil consumption in its Environmental Impact Statement, as required by the National Environmental Policy Act.



Alliance for the Wild Rockies v. Forest Service, 19-00350, 2020 WL 7049556 (E.D.Wash. 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

December 1, 2020: A federal district court in Washington held that the Forest Service had not violated the National Environmental Policy Act in analyzing a project designed to restore a forest area in Washington to make it more resilient to wildfire and climate change.



Chamber of Commerce v. Department of Homeland Security, No. 20-07331, 2020 WL 7043877 (N.D. Cal. Dec. 1, 2020)

Immigration

Republican

December 1, 2020: A federal district court set aside two interim final rules promulgated by the Department of Labor and the Department of Homeland Security—which imposed salary requirements on firms employing foreign skilled workers and enacted new restrictions on the types of jobs that qualified as “specialty occupations”—finding that the agencies violated notice and comment requirements.



Ctr. for Biological Diversity v. Bureau of Land Management, No. 20-02132 (D.D.C.)

*Environment,
Energy, and
Natural
Resources*

N/A

November 30, 2020: The Bureau of Land Management withdrew several mineral prospecting permits in order to conduct further environmental analyses after being sued for violating the National Environmental Policy Act and Endangered Species Act.



Doe 1 v. Department of Homeland Security, 2020 WL 6826200 (C.D.Cal. 2020), affirmed 2021 WL 227955 (9th Cir. 2021)

Immigration

Democratic

November 20, 2020: A federal district court held that the Department of Homeland Security had not violated notice and comment requirements or the reasoned explanation requirement in adopting a policy barring student visas for first-year foreign students who were studying 100% online, a policy which had the effect of barring those students from participating in their intercollegiate sports programs.



WildEarth Guardians v. Bernhardt, No. 19-00505, 2020 WL 6799068 (D.N.M. 2020), appeal dropped (10th Cir. 20-2146)

Environment, Energy, and Natural Resources

Republican

November 19, 2020: A federal district court rejected a challenge to Interior's authorization of new oil and gas leases on federal land in southeastern New Mexico.



Pangea Legal Services v. Department of Homeland Security, No. 20-07721, 2020 WL 6802474 (N.D. Cal. Nov. 19, 2020)

Immigration

Democratic

November 19, 2020: A federal district court enjoined the implementation of a Department of Homeland Security rule—which created new categories of crimes, beyond those prescribed by Congress, that would bar applicants from being eligible for asylum—finding that the rule was contrary to Congressional intent as expressed in the Refugee Act of 1980, was arbitrary and capricious for failure to provide a reasoned explanation, and failed to provide adequate notice and opportunity for public comment.



P.J.E.S. v. Wolf, No. No. 20-2245, 2020 WL 6770508 (D.D.C. Nov. 18, 2020), stayed (D.C Cir. Jan. 29, 2021)

Immigration

Democratic

November 18, 2020: A federal district court enjoined a Center for Disease Control and Prevention rule—which restricted immigration due to the COVID-19 pandemic (by for example, requiring unaccompanied minor noncitizens to be detained in facilities pending their expulsion), finding that, the plaintiff was likely to prevail on the argument that, under the applicable federal statute, the authority to prohibit the “introduction” of persons did not grant the agency authority to eject or evict persons subsequent to their entry. A federal appeals court subsequently stayed the injunction pending appeal. *P.J.E.S. v. Pecoske*, No. 20-02245 (D.C Cir. Jan. 29, 2021).



California v. Azar, No. 19-02552 (N.D. Cal. Nov. 17, 2020), appeal filed (9th Cir. No. 21-15091)

*Health, Housing
& Public
Assistance*

Democratic

November 17, 2020: A federal district court vacated the Center for Medicaid Services’ 2018 policy —which reversed course from the agency’s 2014 regulation—barring states from processing payroll deductions for home care workers and instead requiring the workers to make payments for health insurance, union dues, and similar benefits on their own after receiving payment from the state, holding that the policy was based on an erroneous interpretation of the relevant provision of the Medicaid statute.



Smith v. Tumalo Irrigation District, 2020 WL 6693238 (D.Or. 2020), appeal dismissed as moot (9th Cir. 20-36057)

*Environment,
Energy, and
Natural
Resources*

Democratic

November 13, 2020: A federal district court in Oregon held that the Natural Resources Conservation Service had not violated the National Environmental Policy Act in its implementation of the Tumalo Irrigation District Modernization Project.



WildEarth Guardians v. Bernhardt, No. 16-01724, 2020 WL 6701317 (D.D.C. Nov. 13, 2020), appeal dropped (D.C. Cir. 21-5023)

*Environment,
Energy, and
Natural
Resources*

Democratic

November 13, 2020: A federal district court held that in authorizing numerous oil and gas leases on federal land in Wyoming, the Bureau of Land Management failed to take a “hard look” at greenhouse gas emissions, as required under the National Environmental Protection Act. The court enjoined the agency from issuing new permits or authorizing drilling pursuant to the leases, until the agency supplemented its analysis.



NAACP Legal Defense & Education Fund v. Barr, No. 20-1132, 2020 U.S. Dist. LEXIS 203703 (D.D.C. Nov. 2, 2020)

Public Safety

Republican

November 2, 2020: A federal district court in D.C. held that the Attorney General's Presidential Commission on Law Enforcement and the Administration of Justice violated requirements for notice-and-comment and fairly balanced membership, and the Commission could not release its final report without appending a statement explaining these violations.



Kiakombua v. Wolf, No. 19-1872, 2020 WL 6392824 (D.D.C. 2020), appeal dropped (D.C. Cir. 20-5372)

Immigration

Democratic

October 31, 2020: a federal district court in D.C. vacated a manual used to determine whether noncitizens had credible fear of persecution or torture unlawfully directed asylum officers to make credible fear determinations on the grounds that it was inconsistent with immigration laws and ordered the agency to provide the plaintiffs with new credible fear screening interviews.



California v. Wheeler, No. 20-1357 (D.C. Cir. Oct. 27, 2020)

*Environment,
Energy, and
Natural
Resources*

Republican

Oct. 27, 2020: A federal appeals court in D.C. denied a motion for a stay or summary vacatur of EPA's repeal of its rule regulating emissions from new power plants.



Massachusetts Fair Housing Center v. Department of Housing and Urban Development, No. 20-11765, 2020 WL 6390143 (D. Mass. 2020), appeal dropped (1st Cir. 21-1003)

*Housing &
Public
Assistance*

Democratic

October 25, 2020: A federal district court in Massachusetts enjoined HUD's new rule regarding discriminatory practice under the Fair Housing Act, holding that the agency had failed to provide a reasoned explanation for weakening protections for housing discrimination victims under the statute.



Bullock v. Bureau of Land Management, No. 20-00062, 2020 WL 6204334 (D. Mont. Oct. 16, 2020), appeal dismissed as moot (9th Cir. 20-36129)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic

October 16, 2020: A federal district court in Montana set aside the Miles City plan amendment as unlawful under the Federal Vacancies Reform Act of 1998 and the Administrative Procedure Act, on the grounds that William Perry Pendley was acting unlawfully as Acting Director of the Bureau of Land Management.



Scholl v. Mnuchin, No. 20-05309, 2020 WL 6065059 (N.D.Cal. 2020)

*Housing &
Public
Assistance*

Democratic

October 14, 2020: A federal district court in California vacated the Internal Revenue Service's policy denying payments under Coronavirus Aid, Relief, and Economic Security Act to incarcerated and formerly incarcerated individuals, holding that the agency had failed to provide a reasoned explanation for the decision and that the agency had violated the statute by failing to make individualized determinations as required by the statute.



San Francisco Baykeeper v. Environmental Protection Agency, No. 19-05943, 2020 WL 5893392 (N.D. Cal. Oct. 5, 2020), appeal dropped (9th Cir. 20-17367)

*Environment,
Energy, and
Natural
Resources*

Democratic

October 5, 2020: A federal district court in California vacated the EPA's determination that salt ponds near San Francisco Bay did not fall within the Clean Water Act's definition of "waters of the United States," holding that the agency based its determination on findings that were contrary to law and had failed to follow its own regulations.



Altamaha Riverkeeper v. United States Army Corps of Engineers, No. 418-251, 2020 WL 5837650 (S.D. Ga. Sept. 30, 2020)

Republican

September 30, 2020: A federal district court upheld the Army Corps of Engineers' permit allowing a real estate developer to use an offshore source to renourish the beach in front of a development, finding that the Corps' permit grant was not arbitrary and capricious, for the Agency had adequately analyzed practicable alternatives as required under the Clean Water Act, had engaged in the requisite hard look required by the National Environmental Policy Act before making its finding that there would be no significant environmental impact, and appropriately determined that subsequent permit modifications did not significantly increase the scope of the permitted activity so as to require a new application procedure.



Immigrant Legal Resource Center v. Wolf, No. 20-05883, 2020 WL 5798269 (N.D. Cal. Sept. 29, 2020)

Immigration

Republican

September 29 2020: A federal district court in California enjoined a new Department of Homeland Security rule that increased fees for immigrant benefits, holding that the agency had not provided a reasoned explanation for the rule.



Data Marketing Partnership, LP v. Department of Labor No 19-00800, 2020 WL 5759966 (N.D. Tex. September 28, 2020), appeal filed (5th Cir. 20-11179)

Worker Protection & Discrimination

Republican

September 28, 2020: A federal district court in Texas enjoined the Department of Labor's decision that the partnership did not qualify for coverage under the Employee Retirement Income Security Act, holding that the decision imposed requirements that were outside of what the law required.



TikTok Inc. v. Trump, No. 20-658, 2020 U.S. Dist. LEXIS 177250 (D.D.C. Sep. 27, 2020), appeal dropped (D.C. Cir. 20-5302)

Consumer Protection & Education

Republican

September 27, 2020: A federal district court in D.C. [blocked](#) the Department of Commerce's removal of TikTok from U.S. app stores. The Department of Commerce had directed TikTok's removal following a presidential [executive order](#) banning the app. In a separate case, a federal district court in California [blocked](#) the Department of Commerce's removal of WeChat from U.S. app stores, holding that plaintiffs had shown likelihood of success on their First Amendment claim. See *U.S. WeChat Users All. v. Trump*, No. 20-05910, 2020 U.S. Dist. LEXIS 172816 (N.D. Cal. Sep. 19, 2020), appeal dropped (9th Cir. No. 20-16908).



Bullock v. Bureau of Land Management, No. 20-00062, 2020 WL 5746836 (D. Mont. Sept. 25, 2020), appeal dismissed as moot (9th Cir. 20-36129)

Environment, Energy, and Natural Resources, Deregulation

Democratic

September 25, 2020: A federal district court in Montana [set aside](#) two Resource Management Plans that had been finalized under the authority of William Perry Pendley—the [Lewistown plan](#) and the [Missoula plan](#)—which, if implemented, would have reduced protections for fish and wildlife habitat, cultural resources, and recreational uses on federal lands in Montana. The court held that Pendley—who had been appointed by the Secretary of the Interior as Acting Director of the Bureau of Land Management, but had not been confirmed by the Senate—was unlawfully serving in that role, in violation of the Appointments Clause of the U.S. Constitution, the Federal Vacancies Reform Act of 1998, and the Administrative Procedure Act, and that any decisions issued by Pendley were arbitrary and capricious.



Center for Biological Diversity v. Fish & Wildlife Service, No. 19-14243, 2020 WL 5548362 (S.D. Fla. Sept. 16, 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

September 16, 2020: A federal district court [held](#) that, in denying a petition to list Florida Keys mole skinks as endangered or threatened under the Endangered Species Act, the Fish and Wildlife Service did not adequately explain its decision. The court rejected some of plaintiffs other claims.



Genus Lifesciences, Inc. v. Azar, No. 20-00211, 2020 WL 5530218 (D.D.C. September 15, 2020)

Health

Republican

September 15 2020: A federal district court in DC held that the Food and Drug Administration had failed to provide a reasoned explanation for approving a competitor's drug during a period when Genus Lifesciences claimed the right to market its drug exclusively.



Ramos v. Nielsen, 975 F.3d 872 (9th Cir. 2020)

Immigration

Republican

September 14, 2020: A federal appeals court in California reversed a lower court [injunction](#), 336 F. Supp. 3d 1075 (N.D. Cal. 2018), of the Department of Homeland Security's decision to terminate Temporary Protected Status for individuals from Haiti, Sudan, Nicaragua, and El Salvador, holding that plaintiffs' Administrative Procedure Act claim was unreviewable and rejecting the Equal Protection claim.



Gilliam v. Department of Agriculture, No 20-3504, 2020 WL 5501220 (E.D. Pa. September 11, 2020), appeal dropped (3rd Cir. 20-3152).

Housing & Public Assistance

Democratic

September 11, 2020: A federal district court in Pennsylvania enjoined a policy that barred certain families from receiving emergency Supplemental Nutrition Assistance Program allotments under the Families First Coronavirus Response Act (FFCRA), holding that the policy violated the statute.



Casa de Maryland v. Wolf, No. 20-02118, 2020 U.S. Dist. LEXIS 166613 (D. Md. Sep. 11, 2020), appeal dropped (4th Cir. 19-2222)

Immigration

Democratic

September 11, 2020: A federal district court held that two Department of Homeland Security rules (here and here) imposing new asylum restrictions are arbitrary and capricious for failure to consider important alternatives and failure to fully consider harms. The court also held that the acting secretary of the Department of Homeland Security, Chad Wolf, was not properly appointed due to violations of the agency's succession order.



Wild Virginia et al v. Council on Environmental Quality et al, Docket No. 20-00045 (W.D. Va. Jul 29, 2020)

Environment, Energy, and Natural Resources, Deregulation

Democratic

September 11, 2020: A federal district court in Virginia denied plaintiffs' motion for an order enjoining new regulations governing environmental reviews.



New York v. Scalia, No. 20-01689, 2020 U.S. Dist. LEXIS 163498 (S.D.N.Y. Sept. 8, 2020), appeal dismissed as moot (2d Cir. No. 20-3815)

*Worker
Protection &
Discrimination*

Democratic

September 8, 2020: A federal district court held that the Department of Labor rule revising and narrowing the Department's interpretation of the term "joint employer" under the Fair Labor Standards Act, was inconsistent with the Act and that the agency had failed to provide a reasoned explanation.



Nat'l Urban League v. Ross, No. 20-05799, 2020 U.S. Dist. LEXIS 162878 (N.D. Cal. Sep. 5, 2020), stay granted No. 20A62, 2020 U.S. LEXIS 5052 (U.S.S.C. Oct. 13, 2020), appeal dropped (20-16868)

*Consumer
Protection &
Education,
Housing &
Public
Assistance*

Democratic

September 5, 2020: A federal district court temporarily stayed the Commerce Department's plan to end the census count one month early and deliver the population data to the White House several months early. On September 24, the court then issued a preliminary injunction preventing the early conclusion, holding that the plan violated Administrative Procedure Act's notice-and-comment and reasoned decisionmaking requirements.



Gomez v. Trump, No. 20-1419 2020 WL 5367010 (D.D.C. Sept. 4, 2020), appeal dismissed as moot (D.C. Cir. No. 20-5292)

Immigration

Democratic

September 4, 2020: A federal district court in D.C. enjoined several of the State Department's policies implementing President Trump's Proclamation barring foreign guest workers from entering the United States, holding that the policies were in excess of the agency's statutory authority and that the agency failed to provide a reasoned explanation. Separately, a federal district court in California enjoined the Proclamation. *National Association of Manufacturers v. Department of Homeland Security*, No 20-04887, 2020 WL 5847503 (N.D. California Oct. 1, 2020).



New York v. National Highway Traffic Safety Administration, No. 19-2395, 2020 WL 5103860 (2d. Cir. Aug. 31, 2020)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Republican

August 31, 2020: A federal appeals court in New York held that NHTSA's rule reducing penalties that automakers pay for violating fuel-economy standards was not authorized under the 2015 Federal Civil Penalties Inflation Adjustment Act Improvements Act.



Native Ecosystems Council v. Mehlhoff, 2020 WL 2060354 (D. Mont. 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

August 29, 2020: A federal district court in Montana found that the Bureau of Land Management had correctly analyzed three prescribed burn projects under the requirements of the Sage Grouse plans and that as such the plans did not violate the FLPMA. The court did find, however, that the agency had failed to comply with FLPMA for one of the areas.



Sierra Club v. Environmental Protection Agency, No. 19-2562, 2020 WL 5051536 (3d Cir. Aug. 27, 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

August 27, 2020: The court vacated the agency's approval of a Pennsylvania air quality standard, holding that the agency had failed to adequately explain and support the emissions limits it placed on a coal-burning plant in Pennsylvania.



Samma v. Department of Defense, No. 20-1104, 2020 WL 5016893 (D.D.C. Aug. 25, 2020)

Immigration

Democratic

August 25, 2020: A federal district court in D.C. vacated the Department of Defense's 2017 policy, which created new, additional hurdles to naturalization based on military service, concluding that the Department lacked authority for the rule and that the Department had failed to provide a reasoned explanation for the policy.



Washington v. Devos, No. 20-1119, 2020 WL 5079038 (W.D. Wash. Aug. 21, 2020)

*Consumer
Protection &
Education,
Health*

Democratic

August 21, 2020: A federal district court in Washington enjoined a Department of Education interim final rule that favored private schools when disbursing funding under the Coronavirus Aid, Relief, and Economic Security Act, finding that the Department lacked authority to promulgate the rule and that the Act unambiguously directed funding to be allocated with a focus on those in greatest need, such as low-income children and disadvantaged communities.



Alaska Urological Institute, P.C. v. Small Business Administration, 619 B.R. 689 (D. Alaska 2020)

Consumer Protection & Education

Democratic

August 20, 2020: A federal district court [held](#) that the Small Business Administration's adoption and implementation of rules precluding bankruptcy debtors from qualifying for loans made available under the Payroll Protection Program created as part of the Coronavirus Aid, Relief and Economic Security Act was arbitrary and capricious for failure to provide a reasoned explanation. Other courts came to similar conclusions. *Diocese of Rochester v. Small Business Administration*, 466 F. Supp. 3d 363 (W.D.N.Y. 2020); *In re Roman Catholic Church of Archdiocese of Santa Fe*, 615 B.R. 644 (Bkrtcy.D.N.M. 2020); *In re Vestavia Hills, Ltd.*, 618 B.R. 294 (Bkrtcy. S.D.Cal. 2020).



Center for Biological Diversity v. Bernhardt, No. 20-165 (D.D.C.)

Environment, Energy, and Natural Resources

N/A

August 18, 2020: After being [sued](#) for violating the Endangered Species Act for failing to protect seven pangolin species, the agency entered into a [settlement](#) with plaintiffs agreeing to a schedule for issuing rule regarding the species.



Northwest Environmental Defense Center v. Army Corps of Engineers, 18-00437, 479 F. Supp. 3d 1003 (D. Oregon 2020)

Democratic

August 17, 2020: A federal district court in Oregon held that the Army Corps and National Marine Fisheries Service were violating the Endangered Species Act for failing to implement required measures to protect a chinook and salmon species in the operation of several dams in the Willamette River basin.



Walker v. Azar, No. 20-2834, 2020 WL 4749859 (E.D.N.Y. Aug. 17, 2020), appeal dropped (2d. Cir. 20-3827)

Health

Democratic

August 17, 2020: A federal district court in New York enjoined the Department of Health and Human Services' repeal of a rule defining discrimination on the basis of "sex" under Section 1557 of the Affordable Care Act to include discrimination on the basis of gender identity and sexual stereotyping, finding that the agency had failed to consider an important aspect of the problem, specifically, the impact of the Supreme Court's interpretation of similar language in *Bostock v. Clayton Cty., Ga.*, 140 S. Ct. 1731 (2020).



Environmental Integrity Project v. Environmental Protection Agency, 969 F.3d 529 (5th Cir. 2020)

Environment, Energy, and Natural Resources

Republican

August 13, 2020: A federal appeals court held that EPA was not required to review whether a Title V permit issued by a Texas complied with all applicable requirements under the Clean Air Act, and was permitted to review just whether it contained the state's permitting requirements.



Natural Resources Defense Council v. Department of the Interior, No. 18-4596, 2020 WL 4605235 (S.D.N.Y. Aug. 11, 2020), appeal dropped (20-3491)

Environment, Energy, and Natural Resources

Democratic

August 11, 2020: A federal district court in New York vacated a Department of the Interior memorandum and subsequent guidance, which had abandoned the agency's prior, more protective, interpretation of prohibited "takings" and "killings" of migratory birds imposed under the Migratory Bird Treaty Act of 1918, after finding the agency's new interpretation was contrary to the purpose of the Act.



New York v. Department of Education, No. 20-4260 2020 WL 4581595 (S.D.N.Y. Aug. 9, 2020)

Consumer Protection & Education

Mixed

August 9, 2020: A federal district court in New York denied an injunction of the Department of Education's final rule, which narrowed the definition of sexual harassment in educational programs receiving federal funding and required educational programs to respond only to incidents of sexual harassment when they have actual—rather than constructive—knowledge, holding that plaintiffs were not likely to succeed in showing that the new procedures violated Title IX of the Education Amendments of 1972 or that the agency had failed to provide a reasoned explanation.

Similarly, in *Pennsylvania v. DeVos*, No. 20-01468, 2020 WL 4673413 (D.D.C. Aug. 12, 2020), a federal district court in D.C. denied plaintiffs' request for an injunction, finding that the plaintiffs had not established a likelihood of success on their claims.



New York v. Department of Labor, No. 20-3020, 2020 WL 4462260 (S.D.N.Y. Aug. 3, 2020)

Worker Protection & Discrimination

Democratic

August 3, 2020: A federal district court in New York vacated major components of a Department of Labor rule which limited the availability of family leave under the Families First Coronavirus Response Act, after finding that the rule contravened Congress's intent in the Act.



Meritor, Inc. v. Environmental Protection Agency, 966 F.3d 864 (D.C. Cir. 2020)

Environment, Energy, and Natural Resources

Republican

July 28, 2020: A federal appeals court in D.C. upheld EPA's decision to list a site on the Superfund list in the face of an industry challenge.



New Jersey v. Wheeler, 20-1425, 2020 WL 4331604 (S.D.N.Y. July 28, 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

July 28, 2020: A federal district court in New York ordered EPA to comply with a court-ordered schedule in promulgating federal plans requiring states to comply with a 2008 limit on emissions that contribute to downwind ozone problems, after finding that EPA failed to comply with a nondiscretionary duty under the Clean Air Act.



New York v. Wolf, No. 20-1127 (S.D.N.Y. 2020)

*Consumer
Protection &
Education,
Immigration,
Public Safety*

N/A

July 23, 2020: The Department of Homeland Security withdrew a prohibition on New York State residents' access to Trusted Traveler programs, after being sued for violating the Fifth Amendment, Tenth Amendment, and Administrative Procedure Act. In October 2020, the court held that the policy was not moot because of "lingering operational effects" and found that the policy was arbitrary and capricious for failure to provide a reasoned explanation.



California v. Department of Health and Human Services, No. 20-00682, 2020 U.S. Dist. LEXIS 127490 (N.D. Cal. July 20, 2020), appeal dropped (9th Cir. No. 20-16802)

Health

Democratic

July 20, 2020: A federal district court held that the U.S. Department of Health and Human Services' rule requiring health-insurance issuers to collect separate payments from policy holders for abortion and non-abortion services by requiring enrollees to receive two separate bills, and to make two separate payments, was arbitrary and capricious for failure to provide a reasoned explanation, and therefore in violation of the Administrative Procedure Act.



Grace v. Barr, 965 F.3d 883 (D.C. Cir. 2020)

Immigration

Republican

July 17, 2020: A federal appeals court in D.C. held that certain policy changes to the United States Citizenship and Immigration Services "credible fear" asylum interview standards violated the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), the Immigration and Nationality Act (INA), and the Administrative Procedure Act for failure to provide reasoned decisionmaking. However, it reversed the district court's grant of summary judgment on the circularity rule.



California v. Bernhardt, No. 18-05712, 2020 WL 4001480 (N.D. Cal July 15, 2020), appeal filed (9th Cir. No. 20-16793)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic

July 15, 2020: A federal district court in California vacated the Department of Interior's rescission of the Waste Prevention Rule. The court held that the agency failed to meet its obligations under the Mineral Leasing Act and National Environmental Policy Act, failed to provide a reasoned explanation for its rescission, and violated notice and comment requirements under the Administrative Procedure Act. (Two previous delays were also struck down in court. See the entries below dated February 22, 2018 and October 4, 2017).



New York v. Department of Homeland Security, No. 20-05439 (S.D.N.Y. July 13, 2020)

*Health,
Immigration*

Democratic

July 14, 2020: Immigration and Customs Enforcement withdrew a policy that would have stripped international college students of their U.S. visas if their coursework was entirely online due to the COVID-19 pandemic, after being sued for failing to comply with the Administrative Procedure Act's notice-and-comment requirements by New York, Harvard, and MIT.



New York v. Environmental Protection Agency, 964 F.3d 1214 (D.C. Cir. 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

July 14, 2020: A federal appeals court in D.C. vacated an EPA decision that denied New York State's petition for the agency to find that power plants in nine nearby states were violating the Good Neighbor Provision of the Clean Air Act.



Am. Coll. of Obstetricians & Gynecologists v. Food and Drug Administration, 472 F.Supp.3d 183 (D. Md. 2020), appeal filed (4th Cir. 20-1824), stay granted No. 20A34 (U.S.S.C. Jan. 12, 2021), appeal dismissed as moot (4th Cir. 20-1824).

Health

Democratic

July 13, 2020: A federal district court in Maryland enjoined the Trump administration from enforcing the in-person requirements for prescriptions of the non-surgical abortion drug during the COVID-19 pandemic.



Clean Wisconsin v. Environmental Protection Agency, 964 F.3d 1145 (D.C. Cir. 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

July 10, 2020: A federal appeals court in D.C. held that EPA's reviews of area attainment designations (as required by the Clean Air Act for National Ambient Air Quality Standards) that did not require stricter pollution controls for smog were not sufficient in at least seven counties and required additional explanation. Some violated the Clean Air Act's requirement of reasoned decision making.



Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania, 140 S.Ct. 2367 (July 8, 2020)

Health

Republican

July 8, 2020: The Supreme Court reversed a lower court order [enjoining](#) rules that allow 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 found that the agencies did not violate the Administrative Procedure Act's notice-and-comment requirements or the Affordable Care Act.



Ramirez v. Immigration and Customs Enforcement, No. 18-508, 2020 WL 3604041 (D.D.C. 2020)

Democratic

July 2, 2020: A federal district court in D.C. held that the Immigration and Customs Enforcement had violated the Trafficking Victims Protection Reauthorization Act by placing children who turned 18 while in custody into adult detention settings without giving less-restrictive settings the consideration required.



Sierra Club v. Environmental Protection Agency, 964 F.3d 882 (10th Cir. 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

July 2, 2020: A federal appeals court vacated EPA's [decision](#) on a Utah Title V permit after [holding](#) that EPA's own regulations unambiguously required the agency to review whether a Title V permit issued by a state under the Clean Air Act complied with all applicable requirements under the statute, not just the requirements that the state included in the permit.



Kindred Healthcare, Inc. v. Azar, No. 18-650, 2020 WL 3574614 (D.D.C. July 1, 2020)

Health

Republican

July 1, 2020: A federal district court in D.C. granted Plaintiff's motion for summary judgment, holding that a requirement that hospital receive a Medicaid denial prior to seeking Medicare reimbursement for bills incurred in caring for indigent patients, even when the hospital was not enrolled in Medicaid and thus could not obtain the denial, violated the Bad Debt Moratorium in Medicare.



New York v. Environmental Protection Agency, No. 20-3714 (S.D.N.Y.)

Environment, Energy, and Natural Resources, Deregulation

N/A

June 29, 2020: After being sued for failing to comply with the Administrative Procedure Act's notice-and-comment requirements, acting outside of the agency's statutory authority, and failing to provide a reasoned explanation, EPA announced that its policy of non-enforcement due to COVID-19 would be terminated as of August 31, 2020.



Citizens for Pennsylvania's Future v. Wheeler, No. 19-02004, 2020 WL 3481425 (N.D.Cal. June 29, 2020)

Environment, Energy, and Natural Resources

Democratic

June 29, 2020: A federal district court in California held that EPA violated its duty under the Clean Air Act to regulate coke ovens. The court dismissed plaintiffs' claim that EPA also had a recurring duty to update the standards, for lack of subject matter jurisdiction.



Pharaohs GC, Inc. v. Small Business Administration, 20-665, 2020 WL 3489404 (W.D.N.Y. 2020), affirmed 990 F.3d 217 (2nd Cir. 2021)

Consumer Protection & Education

Democratic

June 26, 2020: A district court in New York held the Small Business Administration had offered a reasoned decision for excluding Pharaohs GC, Inc. an adult-entertainment club, from the Paycheck Protection Program of the Coronavirus Aid, Relief, and Economic Security Act.



California v. Wheeler, No. 20-3005, 2020 WL 3403072 (N.D.Cal. June 19, 2020)

Environment, Energy, and Natural Resources, Deregulation

Democratic

June 19, 2020: A federal district court in California denied a motion for a preliminary injunction enjoining the Navigable Waters Rule. Separately, a federal district court in Colorado enjoined the rule in Colorado only. See *Colorado v. U.S. Environmental Protection Agency*, No. 20-cv-1461, 2020 WL 3402325, at (D.Colo. 2020).



Hall v. Department of Agriculture, 467 F. Supp. 3d 838 (N.D. Cal. 2020), affirmed 984 F.3d 825 (9th Cir. 2020)

Housing & Public Assistance

Democratic

June 17, 2020: A federal district court in California declined to enjoin a Department of Agriculture rule that had restricted Supplemental Nutrition Assistance Program benefits under the Families First Coronavirus Response Act for only family who were not already receiving the maximum monthly allotment of SNAP benefits.



Oregon-California Trails Association v. Walsh, No. 19-1945, 2020 WL 3268814 (D. Colorado 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

June 17, 2020: A federal district court in Colorado vacated a permit related to a transmission line after finding that the Fish and Wildlife Service had not complied with the Endangered Species Act in multiple respects.



Oakley v. Devos, 20-03215, 2020 WL 3268661 (N.D. Cal. 2020), appeal dropped (9th Cir. No. 20-16564)

*Consumer
Protection &
Education*

Democratic

June 17, 2020: A federal district court in California held that plaintiffs were likely to succeed in showing that the Department of Education's imposition of eligibility restrictions on students who may receive Higher Education Emergency Relief Funds appropriated by Congress in the CARES Act violated the statute.



Friends of Animals v. Bernhardt, 961 F.3d 1197 (D.C. Cir. 2020)

*Environment,
Energy, and
Natural
Resources*

Republican

June 16, 2020: A federal appeals court in D.C. upheld a U.S. Fish and Wildlife Service policy allowing the agency to proceed through informal adjudication when deciding whether to allow trophy imports of species classified as "threatened" under the Endangered Species Act. (A previous and related policy was struck down. See the entry dated March 1, 2018.)



Forest Service v. Cowpasture River Preservation Association, 140 S.Ct. 1837 (2020)

June 15, 2020: The Supreme Court upheld Forest Service permits for the construction of the Atlantic Coast Pipeline, holding that the Forest Service has authority under the Mineral Leasing Act to grant rights-of-way through lands within national forests traversed by the Appalachian Trail.

Environment, Energy, and Natural Resources

Republican



National Wildlife Federation v. Department of Transportation, 960 F.3d 872 (6th Cir. 2020)

June 5, 2020: A federal appeals court held that the Department of Transportation and Pipeline and Hazardous Materials Safety Administration had not violated the Endangered Species Act or National Environmental Policy Act in approving two pipeline oil spill response plans related a pipeline that runs across the Great Lakes region. With this ruling, the court reversed a lower court ruling.

Environment, Energy, and Natural Resources

Republican



Mashpee Wampanoag Tribe v. Bernhardt, 18-2242, 2020 WL 3037245 (D.D.C. June 5, 2020)

June 5, 2020: A federal district judge in D.C. held that the Department of Interior had failed to provide a reasoned explanation for concluding that the Mashpee Wampanoag Tribe did not meet definition of Indian in Indian Reorganization Act.

Environment, Energy, and Natural Resources

Democratic



Natural Resources Defense Council v. Environmental Protection Agency, 961 F.3d 160 (2d Cir. 2020)

June 5, 2020: A federal appeals court held that EPA's rule exempting certain importers of products that have mercury-containing components from reporting requirements was unlawful under the Toxic Substances Control Act. The court upheld two other mercury importer exemptions after finding that the additional reporting requirements sought by petitioners would have been duplicative.

Environment, Energy, and Natural Resources, Deregulation

Republican



National Family Farm Coal. v. Environmental Protection Agency, 960 F.3d 1120 (9th Cir. 2020)

June 3, 2020: A federal appeals court vacated EPA's approval of conditional amended registrations for dicamba-based herbicides for violating the Federal Insecticide, Fungicide, and Rodenticide Act.

Environment, Energy, and Natural Resources

Democratic



Montana Wildlife Federation v. Bernhardt, No. 18-69, 2020 WL 2615631 (D.Mont. 2020), appeal dismissed (9th Cir. No. 20-35658)

May 22, 2020: A federal district court in Montana held that 440 oil and gas leases of federal land in sage-grouse habitat were invalid, because the Bureau of Land Management had failed to follow its own rules designed to protect the species, and the leases were therefore in violation of the Federal Land Policy and Management Act. On August 25, 2020, the district court partially stayed its order pending appeal.

Environment, Energy, and Natural Resources

Democratic



Maryland v. Environmental Protection Agency,
958 F.3d 1185 (D.C. Cir. 2020)

*Environment,
Energy, and
Natural
Resources*

Republican

May 19, 2020: A federal appeals court held that EPA's rejection of a petition from Maryland, which sought tighter pollution limits on coal-fired power plants in upwind states, was arbitrary and capricious for failure to provide a reasoned explanation.



Southeast Alaska Conservation Council v. Forest Service, 443 F. Supp. 3d 995 (D. Alaska 2020), appeal filed (9th Cir. No. 20-35738)

*Environment,
Energy, and
Natural
Resources*

Democratic

May 11, 2020: A federal district court in Alaska held that the Forest Service's plan to allow timber sales on Prince of Wales Island violated the Alaska National Interest Lands Conservation Act, National Environmental Policy Act, National Forest Management Act.



Wildearth Guardians v. Bureau of Land Management, No. 18-73, 2020 WL 2104760 (D. Mont. May 1, 2020)

*Environment,
Energy, and
Natural
Resources*

Democratic

May 1, 2020: A federal district court in Montana invalidated a series of oil and gas leases that were issued by the Bureau of Land Management after finding that the agency had not adequately addressed the environmental impacts of the planned oil drilling and fracking under the National Environmental Policy Act.



Cty. of Maui v. Haw. Wildlife Fund, 140 S.Ct. 1462 (2020)

April 23, 2020: The U.S. Supreme Court adopted a new test for determining if a facility's discharge into groundwater violated the Clean Water Act. In doing so, the court rejected EPA's Interpretive Statement, which would have allowed for easy evasion of the statute's purposes.

*Environment,
Energy, and
Natural
Resources*

Republican



New York v. Environmental Protection Agency, 921 F.3d 257 (D.C. Cir. 2019)

April 23, 2019: A federal appeals court in D.C. held that EPA did not abuse its discretion in denying state petition seeking to expand the Ozone Transport Region to include more upwind states.

*Environment,
Energy, and
Natural
Resources*

Republican



In re Natural Resources Defense Council, Inc., 956 F.3d 1134 (9th Cir. 2020)

April 22, 2020: A federal court of appeals in California held that EPA unreasonably delayed regulating tetrachlorvinphos, a pesticide found in household pet products and which poses a serious risk to the neurodevelopmental health of children, in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

*Environment,
Energy, and
Natural
Resources*

Democratic



Gulf Restoration Network v. Bernhardt, No. 18-1674, 2020 WL 1930470 (D.D.C. Apr. 21, 2020), appeal filed (D.C. Cir. 20-5179)

April 21, 2020: A federal district court upheld two offshore oil lease sales in the Gulf of Mexico. The court found that the Bureau of Ocean Energy Management had met its obligations under the National Environmental Policy Act.

*Environment,
Energy, and
Natural
Resources*

Republican



La. Env'tl. Action Network v. Environmental Protection Agency, 955 F.3d 1088 (D.C. Cir. 2020)

*Environment,
Energy, and
Natural
Resources*

Republican

April 21, 2020: A federal appeals court held that the Environmental Protection Agency's 2017 emissions standards for hazardous air pollutants did not include all of the toxic substances that were necessary to include. The court remanded the rule to EPA for the agency to set limits on the missing pollutants.



Waterkeeper Alliance, Inc. v. Wheeler, No. 18-2230, 2020 WL 1873564 (D.D.C. 2020)

*Environment,
Energy, and
Natural
Resources*

Republican

April 15, 2020: A federal district court in D.C. rejected plaintiffs' claim that EPA was required to issue enforceable public participation guidelines for state programs governing coal combustion residuals and that EPA was required to issue only time-limited permits. The court also vacated EPA's approval of the portion of Oklahoma's coal ash permitting program that had allowed unlined surface impoundments in line with a 2015 rule that was vacated in *Util. Solid Waste Activities Grp. v. EPA*, 901 F.3d 414, 420 (D.C. Cir. 2018).



Northern Plains Resource Council v. Army Corps of Engineers, No. 19-44, 2020 WL 1875455 (D.Mont. 2020), amended 2020 WL 3638125 (D. Mont. May 11, 2020), appeal filed (9th Cir. No. 20-35412), partial stay entered (U.S.S.C. No. 19A1053)

*Environment,
Energy, and
Natural
Resources*

Democratic

April 15, 2020: A federal district court held that the Army Corps of Engineers' reissuance of a nationwide permit necessary for projects involving utility lines and associated facilities (known as "Nationwide Permit 12"), without the appropriate environmental review violated the Endangered Species Act.



Center for Science in the Public Interest v. Perdue, 438 F. Supp. 3d 546 (D. Md. 2020)

*Health,
Deregulation*

Democratic

April 13, 2020: A federal district court vacated an Agriculture Department rule that reversed nutrition standards for school meals because the agency violated the notice and comment requirements.



Friends of Capital Crescent Trail v. Army Corps of Engineers No. 19-106, 453 F. Supp. 3d 804, 2020 WL 1849704 (D. Md. April 13, 2020), *affirmed*, 855 F. App'x. 121 (4th Cir. 2021)

*Environment,
Energy, and
Natural
Resources*

Democratic

April 13 2020: A federal district court in Maryland held that the Army Corps had not violated the National Environmental Policy Act or the Clean Water Act in making its decision to grant a dredge and fill permit to related to the development of a light rail line.

In May 2021 (after President Biden was inaugurated) the 4th Circuit affirmed.



Natural Resources Defense Council v. Wheeler, 955 F.3d 68 (D.C. Cir. 2020)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic

April 7, 2020: A federal appeals court vacated the Environmental Protection Agency's 2018 rule eliminating restrictions on the use of HFCs, which are known to be powerful greenhouse gases. The court found that the agency violated notice and comment requirements.



NRDC v. McCarthy, No. 19-00055, 2020 U.S. Dist. LEXIS 61786 (D. Utah Apr. 7, 2020), *affirmed*, 993 F.3d 1243 (10th Cir. 2021).

*Environment,
Energy, and
Natural
Resources*

Democratic

April 7, 2020: A federal district judge in Utah upheld the Bureau of Land Management's decision to lift a temporary closure order on cross-country off-highway vehicle travel in the Factory Butte area of Utah, rejecting plaintiffs' claim that environmental review was required under the National Environmental Policy Act.

In April 2021 (after President Biden was inaugurated), the 10th Circuit affirmed the lower court's decision.



California v. Bureau of Land Management, 2020 U.S. Dist. LEXIS 53958 (N.D. Cal. 2020), appeal filed (9th Cir. 20-16158)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic

March 27, 2020: A federal district court held that a repeal of fracking regulations was not arbitrary and capricious.



Friends of Animals v. Bernhardt, No. 18-064, 2020 WL 1466422 (D. Mont. March 26, 2020), *reversed*, 997 F.3d 1010 (9th Cir. 2021).

*Environment,
Energy, and
Natural
Resources*

Democratic

March 26, 2020: A federal district court in Montana held that the agency's new requirement that plaintiffs notify the appropriate state agency prior to filing a petition under the Endangered Species Act did not violate the statute.

In May 2021 (after President Biden was inaugurated), the 9th Circuit reversed, holding that the requirement was inconsistent with the Endangered Species Act's statutory scheme.



Standing Rock Sioux Tribe v. Army Corps of Engineers, No. 16-1534, 2020 WL 1441923 (D.D.C. Mar. 25, 2020), affirmed (D.C. Cir. Jan. 26, 2021), cert. denied (U.S.S.C. 21-560)

*Environment,
Energy, and
Natural
Resources*

Republican

March 25, 2020: A federal district court in D.C. held that the Army Corps of Engineers failed to conduct the necessary environmental review prior to granting a permit to construct a segment of an oil pipeline under Lake Oahe on the Missouri River. In July 2020, the court vacated the subject easement and ordered the pipeline shut down. The U.S. Court of Appeals stayed the order in part pending appeal and then affirmed the order, with the exception of the shut down portion of the court's order.



Voyageur Outward Bound Sch. v. United States, 444 F. Supp. 3d 182 (D.D.C. 2020), appeal dismissed as moot (D.C. Cir. No. 20-5097)

*Environment,
Energy, and
Natural
Resources*

Republican

March 17, 2020: A federal district court in D.C. rejected plaintiffs' challenge to Interior's decision to reinstate two mining leases near the Boundary Waters wilderness, holding that the agency had authority to reconsider its prior decision and that the agency did not violate contract principles.



Environmental Law & Policy Center v. Coast Guard, No 18-12626, 447 F. Supp. 3d 602, 2020 WL 1249159 (E.D. Mich. March 16, 2020)

*Environment,
Energy, and
Natural
Resources*

Republican

March 16, 2020: A federal district court in Michigan held that the Coast Guard's Northern Michigan Area Contingency Plan (NMACP), prepared under the Oil Pollution Act did not violate the Administrative Procedure Act or the Oil Pollution Act.



District of Columbia v. Department of Agriculture, No. 20-119, 2020 U.S. Dist. LEXIS 43853 (D.D.C. March 13, 2020), appeal dismissed as moot (D.C. Cir. No. 20-5136)

Housing & Public Assistance

Democratic

March 13, 2020: A federal district court enjoined a U.S. Department of Agriculture rule that would cause approximately 700,000 people to lose access to their benefits under the Supplemental Nutrition Assistance Program (SNAP). The court found that the agency violated its governing statute and failed to provide a reasoned explanation for the rule. On October 18, 2020, the federal district court vacated the 's rule, finding that the agenc~~t~~ failed to provide adequate notice, failed to provide a reasoned explanation, and failed to address critical comments.



Environmental Justice Health Alliance for Chemical Policy Reform v. Environmental Protection Agency, No. 19-2516 (S.D.N.Y.)

Environment, Energy, and Natural Resources

Democratic

March 12, 2020: After being sued for failing to issue worst-case spill regulations as required under the Clean Water Act, EPA agreed to a court-ordered consent decree requiring the agency to issue a proposed rule and final rule within a set timeframe.



Itserve Alliance, Inc. v. Cissna, 18-2350, 443 F. Supp. 3d 14 (D.D.C. March 10, 2020)

Immigration

Republican

March 10, 2020: A federal district court in D.C. held that Citizenship and Immigration Service's 2018 policy regarding H-1B visa petitions for IT consulting businesses violated the Immigration and Nationality Act.



350 Montana v. Bernhardt, 443 F. Supp. 3d 1185 (D.Mont. 2020), appeal filed (9th Cir. No. 20-35411)

*Environment,
Energy, and
Natural
Resources*

Democratic

March 9, 2020: A federal district court in Montana rejected the majority of plaintiffs' claims that the Office of Surface Mining Reclamation and Enforcement violated National Environmental Policy Act in approving an application to expand the Bull Mountains Mine. The court held in favor of plaintiffs on their claim that the agency violated the statute in failing to consider the risk of coal train derailments.



Washington v. Department of State, 2020 U.S. Dist. LEXIS 39608 (W.D. Wash. March 6, 2020), rev'd on other grounds, 996 F.3d 552 (9th Cir. 2021).

*Deregulation,
Public Safety*

Republican

March 6, 2020: A federal district court in Washington enjoined the Department of State and the Department of Commerce's rules that would have allowed wide publication of technical data files related to 3D-printed guns, because the agencies ignored prior findings regarding the danger of such publication, violated notice-and-comment requirements, and failed to make their decision based on factors required by Congress. On November 12, 2019, the district court had vacated a prior attempt to release the files.

In April 2021 (after President Biden was inaugurated), the 9th Circuit reversed, vacated the injunction, and remanded with instructions to dismiss, based on a finding that judicial review of the agency's action was precluded.



Landmark Hospital of Salt Lake City v. Azar, No. 19-01227, 442 F. Supp. 3d 327 (D.D.C. March 2, 2020)

Health

Republican

March 2, 2020: A federal district court in DC held that the penalties assessed by the Department of Health and Human Services were arbitrary and capricious and the agency had relied on obsolete regulations and misapplied its rules.



High Country Conservation Advocates v. Forest Service, No 18-1374, 951 F.3d 1217 (10th Cir. March 2, 2020)

Environment, Energy, and Natural Resources

Mixed

March 2, 2020: A federal appeals court held that Forest Service acted arbitrarily and capriciously in eliminating a proposed alternative that would remove a roadless portion of project area from the West Elk mining area, but that the agency did not act arbitrarily and capriciously in eliminating a detailed study of methane flaring alternative. The court reversed a lower court ruling.



California v. Azar, 950 F.3d 1067 (9th Cir. 2020), appeal dropped (U.S.S.C. 20-429)

Health

Republican

February 24, 2020: A federal appeals court in California upheld a rule that imposed restrictions on healthcare providers receiving grants for family-planning services under Title X of the Public Health Service Act. This decision reversed three 2019 district court decisions that had enjoined the rule. Separately, the rule is enjoined in Maryland. See *Mayor v. Azar*, 439 F. Supp. 3d 591 (D. Md. 2020), aff'd (4th Cir. 19-1614), appeal dropped (U.S.S.C. 20-454)



Natural Resources Defense Council v. Environmental Protection Agency, 438 F. Supp. 3d 220 (S.D.N.Y. 2020)

Environment, Energy, and Natural Resources

Democratic

Feb. 10, 2020: A federal district court in New York held that an EPA [directive](#) illegally prohibited EPA grant recipients from sitting on the EPA's science advisory committees. The court found that EPA had failed to provide a reasoned explanation for its changed policy. In April, the district court [vacated](#) the directive. See *NRDC v. EPA*, No. 19-5174, 2020 U.S. Dist. LEXIS 66162 (S.D.N.Y. Apr. 15, 2020). Separately, a federal appeals court in Massachusetts has also [held](#) that EPA's directive is judicially reviewable. A federal appeals court in D.C. made a [similar holding](#).



Natural Resources Defense Council et al v. Zinke et al, 18-06903 (S.D.N.Y.)

Environment, Energy, and Natural Resources

N/A

Feb. 7, 2020: After being [sued](#) for violating the Federal Advisory Committee Act, the Department of Interior [disbanded](#) the International Wildlife Conservation Council.



Guilford College v. Wolf, No 18-891, 2020 WL 586672 (M.D.N.C. February 6, 2020)

Immigration

Democratic

February 6, 2020: A federal district court in North Carolina held that a new policy related to visa overstays issued by the United States Citizenship and Immigration Services (USCIS) was invalid and should be enjoined, because it violated the Immigration and Nationality Act and notice-and-comment requirements.



Akebia Therapeutics, Inc. v. Azar, 443 F. Supp. 3d 219 (D. Mass.), affirmed 976 F.3d 86 (1st Cir. 2020)

Consumer Protection & Education, Health

Democratic

February 4, 2020: A federal district court upheld the Centers for Medicare and Medicaid Services' decision to eliminate coverage under Medicare Part D for Plaintiff's drug, Auryxia, used in treating iron deficiency anemia in patients with chronic kidney disease, finding that the agency's interpretation of the Medicare statute was reasonable, and the agency's actions thereunder were not arbitrary and capricious. In September 2020, a federal appeals court affirmed.



National Association of Manufacturers v. Department of Treasury, No. 19-00053, 427 F. Supp. 3d 1362 (C.I.T. 2020), *affirmed*, 10 F.4th 1279 (Fed. Cir. 2021).

Republican

January 24, 2020: A federal trade court held that certain tariff regulations violated the Tariff Act.

In August 2021 (after President Biden was inaugurated), the Federal Circuit affirmed.



Renewable Fuels Association v. Environmental Protection Agency, 948 F.3d 1206 (10th Cir. 2020), *rev'd* 141 S. Ct. 2172 (2021)

Environment, Energy, and Natural Resources

Democratic

January 24, 2020: A federal appeals court vacated EPA's decision extending small refinery extensions to three refineries under the Clean Air Act's renewable fuel standards.

In June 2021 (after President Biden was inaugurated), the Supreme Court reversed, holding that a refinery that received a hardship exemption under the renewable fuel program which then lapsed could still subsequently seek an extension of that exemption.



Center for Biological Diversity v. Ross, No. 19-03135, 2019 WL 7020195 (N.D. Cal. Dec. 20, 2019)

*Environment,
Energy, and
Natural
Resources*

N/A (Magistrate)

December 20, 2019: A federal district court vacated the National Marine Fisheries Service's issuance of an exempted fishing permit—which would have allowed two ships to engage in commercial longline fishing in the West Coast Exclusive Economic Zone for two years and would have endangered the survival and recovery of Pacific leatherback sea turtles and other endangered species—holding that the permit issuance violated the Endangered Species Act on account of the Service's disregarded for the best available science and binding case law.



Columbia Riverkeeper v. Wheeler, 944 F.3d 1204 (9th Cir. 2019)

*Environment,
Energy, and
Natural
Resources*

Democratic

December 20, 2019: A federal appeals court in Washington held that EPA violated the Clean Water Act by failing to issue temperature Total Maximum Daily Loads for the Columbia and Snake Rivers.



Everglades Harvesting and Hauling, Inc. v. Scalia, No. 19-3291, 427 F. Supp. 3d. 101, 2019 WL 6841948 (D.D.C. December 16, 2019)

*Worker
Protection &
Discrimination*

Republican

December 16, 2019: A federal district court in DC enjoined the agencies' new policy related to the foreign work program after holding that the plaintiffs were likely to succeed in showing that the agencies' interpretation of the Immigration and Nationality Act violated the statute.



California v. Trump, 407 F. Supp. 3d 869 (N.D. Cal. 2019), affirmed Nos. 19-17501, 2020 U.S. App. LEXIS 32172 (9th Cir. Oct. 9, 2020), vacated and remanded (U.S.S.C. 20-685) (due to changed circumstances following President Biden's inauguration)

*Environment,
Energy, and
Natural
Resources,
Immigration*

Democratic

December 11, 2019: A federal district court in California held that federal defendants use of funds under Section 2808 of the National Emergencies Act for eleven specific border barrier construction projects in California, Arizona, New Mexico, and Texas, was unlawful, holding that federal defendants had "not satisfied the mandatory conditions set by Congress" for use of the funds. The U.S. Court of Appeals for the Ninth Circuit affirmed the decision. A separate court in Texas rejected a similar challenge, holding that plaintiffs did not have standing. *El Paso County, Texas v. Trump*, 2020 WL 7090797 (5th Cir. 2020).



Northern Alaska Environmental Center v. Department of the Interior, No. 19-35008, 2018 WL 6424680 (D. Alaska), affirmed 965 F.3d 705 (9th Cir. 2020).

*Environment,
Energy, and
Natural
Resources*

Republican

December 6, 2019: A federal district court in Alaska rejected a challenge to the Trump administration's decision to rely on the Obama administration's prior environmental review of two lease sales in the National Petroleum Reserve-Alaska, holding that plaintiffs had waived their claims. The court of appeals affirmed, holding that the Trump administration decision was justified and that plaintiffs had waived a claim that the administration was required to supplement that analysis.



Invenergy Renewables LLC v. United States, 422 F. Supp. 3d 1255 (CIT 2019), appeal filed (No. 20-2130)

*Environment,
Energy, and
Natural
Resources*

Democratic

December 5, 2019: The U.S. Court of International Trade granted a preliminary injunction preventing the termination of an exemption from tariffs for bifacial solar panels. The solar panels had previously been excluded from tariffs on solar panel imports, but the Trump administration sought to end this exemption. In May 2020, the court declined to lift the injunction. *Invenergy Renewables LLC v. United States*, 2020 WL 2759665 (CIT 2020).



Sierra Club v. Rick Perry, No. 17-2700 (D.D.C. Nov. 22, 2019)

*Environment,
Energy, and
Natural
Resources*

N/A

November 22, 2019: The Department of Energy agreed to comply with a schedule for issuing energy efficiency standards for manufactured housing in satisfaction of 42 U.S.C. 17071(a)(1).



Safer Chemicals, Healthy Families v. Environmental Protection Agency, 943 F.3d 397 (9th Cir. 2019)

*Environment,
Energy, and
Natural
Resources*

Democratic

November 14, 2019: A federal appeals court vacated a portion of EPA's Risk Evaluation Rule as violating the Toxic Substances Control Act, which would have categorically excluded consideration of legacy uses when regulating dangerous chemicals. The court rejected two of petitioners' other claims after finding that the rule did not do as petitioners alleged.



Washington v. Department of State, 420 F. Supp. 3d 1130 (W.D. Wash. 2019)

*Deregulation,
Public Safety*

Democratic

November 12, 2019: A federal district court vacated the Department of State's decision to remove a licensing requirement that would allow the wide release of technical files for 3D-printed guns. The court found that the agency failed to provide a reasoned explanation for the new policy and violated the Arms Export Control Act.



New York v. Department of Health & Human Services, 414 F. Supp. 3d 475 (S.D.N.Y. 2019), appeal filed (2d Cir. No. 20-31)

Health

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. The court found that the agency failed to provide adequate notice to interested parties and failed to give a reasoned explanation for the rule. Two other federal district courts reached similar conclusions. *Washington v. Azar*, 426 F. Supp. 3d 704, 722 (E.D. Wash. 2019); *City v. Azar*, 411 F. Supp. 3d 1001, 1005 (N.D. Cal. 2019).



Conservation Congress v. Forest Service No. 18-02404, 2018 WL 5629335 (E.D. Cal. Oct. 2018)

*Environment,
Energy, and
Natural
Resources*

Republican

October 30, 2019: A federal district court in California denied a motion to enjoin a Forest Service project designed to remove fire-damaged trees, holding that the agency had not violated the National Environmental Policy Act or the National Forest Management Act. The court later denied plaintiff's motion for summary judgment as well. *Conservation Congress v. Forest Service*, 409 F. Supp. 3d 861 (E.D. Cal. 2019).



Conservation Law Foundation v. Ross, No. 18-1087, 422 F. Supp. 3d 12 (D.D.C. 2019), appeal dismissed, No. 19-5365, 2020 WL 2610894 (D.C. Cir. Apr. 27, 2020)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

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 in violation of the Endangered Species Act.



Western Watersheds Project v. Schneider, 417 F. Supp. 3d 1319 (D. Idaho 2019), appeal dropped (9th Cir. 19-36065)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic

October 16, 2019: A federal court enjoined the Bureau of Land Management's 2019 Sage-Grouse Plan Amendments, which weakened the 2015 Plans and allowed expanded drilling, mining, and other destructive activity in sage-grouse territory in violation of the National Environmental Protection Act, the Federal Land Policy Management Act, and the National Forest Management Act.



New York v. Department of Homeland Security, 408 F. Supp. 3d 334 (S.D.N.Y. 2019), stayed (U.S.S.C. Jan. 27, 2020), affirmed as modified, 969 F.3d 42 (2d Cir. 2020), appeal dropped (U.S.S.C. 20-449, Mar. 9, 2021)

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." The court found that the agency failed to provide a reasoned explanation for changing the definition of "public charge" and exceeded its statutory authority in choosing the new definition. In August 2020, the appeals court limited the injunction to the states of New York, Connecticut, and Vermont. Separately, in July 2020, the district court granted a new nationwide preliminary injunction limited to the time of the national public health emergency caused by the COVID-19 pandemic. *New York v. Department of Homeland Security*, No. 19-7777, 2020 WL 4347264 (S.D.N.Y. July 29, 2020). In August 2020, the Second Circuit stayed the new injunction in all states but New York, Connecticut, and Vermont. And in September, the Second Circuit stayed the new injunction. Separately, a federal district court in Illinois vacated the rule, see *also Cook Cty., Illinois v. Wolf*, 962 F.3d 208 (7th Cir. 2020) (affirming the preliminary injunction) and a federal district court in California enjoined it. *City and County of San Francisco v. U.S. Citizenship and Immigration Services*, 408 F.Supp.3d 1057 (N.D.Cal. 2019), *aff'd* No. 19-17213 (9th Cir. Dec. 2, 2020), appeal dropped (U.S.S.C. 20-962. Mar. 9, 2021).



Southeast Alaska Conservation Council et al v. Stewart et al, No. 18-00005 (D. Alaska)

Oct 9, 2019: After being [sued](#) for violating the National Environmental Policy Act, the United States Forest Service agreed not to proceed with the Kuiu Timber Sale in Tongass National Forest and the case was dismissed without prejudice.

*Environment,
Energy, and
Natural
Resources*

N/A



Sierra Club v. Environmental Protection Agency, 939 F.3d 649 (5th Cir. 2019)

October 3, 2019: A federal appeals court rejected industry and environmental challenges to EPA's approval of Louisiana's state implementation plan for controlling regional haze, rejecting claims that the agency provided an unreasonable explanation for the decision and that it violated notice-and-comment requirements.

*Environment,
Energy, and
Natural
Resources*

Republican



New York v. Environmental Protection Agency, 781 F. App'x 4 (D.C. Cir. 2019)

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 in violation of its statutory authority.

*Environment,
Energy, and
Natural
Resources*

Republican



New Lifecare Hospitals of Chester County LLC v. Azar, No. 19-705, 417 F. Supp. 3d 31 (D.D.C. 2019)

September 30, 2019: A federal district court in D.C. held that Health and Human Services had not violated the Social Security Act or notice-and-comment requirements when it adopted a [new methodology](#) for calculating Medicare reimbursement of long-term care hospitals.

Health

Democratic



National Audubon Society v. Army Corps of Engineers, No. 17-162, 420 F. Supp. 3d 409 (E.D. N.C. 2019), affirmed 2021 WL 1152922 (4th Cir. 2021)

Republican

Sept. 25, 2019: A federal district court in North Carolina held that the Army Corps had complied with National Environmental Policy Act in granting a dredge and fill permit for a project designed to reduce erosion to beach and island property.



Natural Resources Defense Council v. Bernhardt, 19-00078 (D.D.C.)

Environment, Energy, and Natural Resources

N/A

September 24, 2019: After being sued for violating the Endangered Species Act by failing to designate critical habitat for the rusty patched bumblebee, the Department of Interior entered into a settlement promising to abide by a schedule in determining whether and where to designate critical habitat for the bumblebee. (See also the entry dated March 21, 2017).



East Bay Sanctuary Covenant v. Barr, 385 F. Supp. 3d 922 (N.D. Cal. 2019), stayed *Barr v. East Bay Sanctuary Covenant*, 140 S. Ct. 3 (2019), affirmed *East Bay Sanctuary Covenant v. Trump*, 950 F.3d 1242 (9th Cir. 2020), 2020 WL 3637585 (9th Cir. July 6, 2020)

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. The court found that the Department of Justice violated the Administrative Procedure Act's notice-and-comment requirement, failed to provide a reasoned explanation for the rule, and violated Congress' underlying statutory regime. A separate federal district court in D.C. later vacated the rule for failure to comply with notice-and-comment requirements.



American Fuel & Petrochemical Manufacturers v. Environmental Protection Agency, 937 F.3d 559 (D.C. Cir. 2019)

*Environment,
Energy, and
Natural
Resources*

Republican

September 6, 2019: A federal appeals court in D.C. held that EPA violated its obligations under the Endangered Species Act in finalizing its 2018 Renewable Fuel Program rule and remanded the rule without vacatur.



Clean Water Action v. Environmental Protection Agency, 936 F.3d 308 (5th Cir. 2019)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

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.)



Western Organization of Resource Councils v. Bernhardt, No. 18-139, 412 F. Supp. 3d 1227 (D. Mont. August 13, 2019)

*Environment,
Energy, and
Natural
Resources*

Democratic

August 13, 2019: A federal district court in Montana enjoined reliance on the recommendations of the Royalty Policy Committee after holding that the Department of Interior failed to consult with the General Services Administration prior to re-establishing the Committee, in violation of Federal Advisory Committee Act and that the agency's failure to provide a rational basis for its decisions on the membership of Committee was arbitrary and capricious.



J.O.P. v. Department of Homeland Security, No. 19-1944, 409 F. Supp. 3d 367 (D. Maryland 2019)

Immigration

Democratic

August 2, 2019: A federal district court in Maryland granted a temporary restraining order against Department of Homeland Security's policy change regarding unaccompanied children seeking asylum, holding that the agency had not satisfied notice-and-comment requirements and that the agency had failed to provide a reasoned explanation for the policy. The court later granted a preliminary injunction. *J.O.P. v. Department of Homeland Security*, 2020 WL 7489017 (D.Md. 2020), appeal filed (4th Cir. 21-1187).



Children's Hospital Association of Texas v. Azar, 933 F.3d 764 (D.C. Cir. 2019), cert. denied, 141 S. Ct. 235, 208 L. Ed. 2d 16 (2020)

Health

Republican

August 1, 2019: A federal appeals court upheld a Department of Health and Human Services rule—defining “costs incurred” for purposes of hospital reimbursements under the Medicaid Act awarded to the hospital when it provides services to low-income patients—finding that the Medicaid statute granted the agency authority to promulgate the rule and concluding that the agency had provided a reasoned explanation. In so ruling, the court reversed a district court decision.



Center for Biological Diversity v. Fish & Wildlife Service, 409 F. Supp. 3d 738 (D. Ariz. 2019), appeal filed (9th Cir. No. 19-17586)

Environment, Energy, and Natural Resources

Democratic

July 31, 2019: A federal district court [held](#) that the Forest Service's approval and grant of permission to conduct a large-scale open-pit mining operation within the boundaries of the Colorado National Forest was arbitrary and capricious, for failure to consider the mining company's plans to dump waste dump its waste, and the agency had misapplied its mining regulations. The court further concluded that the Service had inappropriately applied its mining regulations pertaining to mining on federal lands to this open-pit mine and had failed to take the statutorily required hard look at alternative options to approving the open-pit mine.



Philbrick v. Azar, 397 F. Supp. 3d 11 (D.D.C. 2019)

Health, Housing & Public Assistance

Democratic

July 29, 2019: A federal district court in DC [held](#) that Health and Human Service's November 20, 2018, [decision](#) approving New Hampshire'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. The court also found that the agency's decision failed to advance the purposes of the Medicaid Act.



Defenders of Wildlife v. Department of the Interior No 18-2090, 931 F.3d 339, 2019 WL 3366598 (4th Cir. July 26, 2019)

Environment, Energy, and Natural Resources

Democratic

July 26, 2019: A federal appeals court vacated a 2018 Biological Opinion and Incidental Take Statement issued by the Fisheries and Wildlife Service, holding that the agency's conclusion that a proposed pipeline would not jeopardize endangered rusty patched bumble bee's and clubshell's survival and recovery was arbitrary and capricious for failure to address prior contradictory findings and failure to consider important aspects of the problem. The agency also violated the Endangered Species Act's requirements on take limits for the endangered Indiana bat and threatened Madison Cave isopod.



Idaho Conservation League v. Wheeler, 930 F.3d 494 (D.C. Cir. 2019)

Environment, Energy, and Natural Resources, Deregulation

Republican

July 19, 2019: A federal appeals court in D.C. upheld EPA's decision not to finalize a proposed Obama-era rule that would have required hard-rock mine operators to establish and maintain evidence of financial responsibility to prove they could pay for cleanup in the event of toxic disasters or hazardous spills. The court rejected arguments that the decision contravened the Comprehensive Environmental Response, Compensation, and Liability Act, was arbitrary and capricious, and was procedurally defective.



Association for Community of Affiliated Plans v. Department of the Treasury, 392 F. Supp. 3d 22 (D.D.C. 2019), affirmed 2020 WL 4032806 (D.C. Cir. July 17, 2020)

Health

Republican

July 17, 2019: A federal district court in D.C. held that the updated "short-term limited duration insurance" (STLDI) rule is consistent with the Affordable Care Act. In July 2020, a federal appeals court affirmed.



Western Watersheds Project v. Bernhardt, 392 F. Supp. 3d 1225 (D.Or. 2019), appeal dismissed (9th Cir. No. 20-35193)

*Environment,
Energy, and
Natural
Resources*

Democratic

July 16, 2019: A federal district in Oregon enjoined a grazing permit after holding that the Bureau of Land Management had failed to comply with the National Environmental Policy Act in approving the permit. In December 2019, the court granted summary judgment to the plaintiffs. 428 F.Supp.3d 327 (D.Or. 2019).



Merck & Co., Inc. v. Department of Health & Human Services, 385 F. Supp. 3d 81 (D.D.C. 2019), affirmed 962 F.3d 531 (D.C. Cir. 2020)

*Consumer
Protection &
Education,
Health*

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.



Sierra Club v. Trump, No. 19-00892, 2019 U.S. Dist. LEXIS 108933 (N.D. Cal. June 28, 2019), stayed (U.S.S.C. July 26, 2019), affirmed 963 F.3d 926 (9th Cir. June 26, 2020); *California v. Trump*, No. 19-00872, 2019 U.S. Dist. LEXIS 108953 (N.D. Cal. June 28, 2019)

*Environment,
Energy, and
Natural
Resources,
Immigration*

Democratic

June 28, 2019: A federal district court in California enjoined the Department of Defense's use of funds for two border barrier construction projects in New Mexico and Arizona, holding that the transfer was not authorized by Section 8005 of the Department of Defense Appropriations Act of 2019. A month later, the Supreme Court stayed the injunction. *Trump v. Sierra Club*, 140 S. Ct. 1, 204 L. Ed. 2d 1170 (July 26, 2019). The federal appeals court subsequently upheld the ruling, see 963 F.3d 926 (9th Cir. June 26, 2020), appeal vacated and remanded (U.S.S.C. 20-138).



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.



National Organization of Veterans' Advocates, Inc. v. Secretary of Veterans Affairs, 927 F.3d 1263 (Fed. Cir. 2019)

Democratic

June 24, 2019: A federal appeals court held that the Veterans Administration had provided a reasoned explanation for a 2017 Veterans Administration rule related to disability benefits.



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

Environment, Energy, and Natural Resources, Deregulation

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 v. Mine Safety & Health Administration, 925 F.3d 1279 (D.C. Cir. 2019)

*Deregulation,
Worker
Protection &
Discrimination*

Republican

June 11, 2019: A federal appeals court in D.C. vacated the Mine Safety and Health Administration's amended rule on safety inspections, and reinstated the prior stricter safety standard. The court found that the amended rule violated the Federal Mine Safety and Health Act by illegally reducing mine safety, and held that the agency had failed to provide a reasoned explanation for the amended rule.



Nio v. Department of Homeland Security, 385 F. Supp. 3d 44 (D.D.C. 2019)

Immigration

Democratic

May 22, 2019: A federal appeals court in D.C. held that a July 2017 policy declining to naturalize army reserve members through the Military Accessions Vital to the National Interest program until an additional Defense background check was completed, was arbitrary and capricious for failure to provide reasons that comported with the evidence.



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

*Consumer
Protection &
Education,
Deregulation*

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. Environmental Protection Agency, 385 F.Supp.3d 903 (N.D. Cal. 2019)

May 6, 2019: A federal district court in California ordered EPA to stop delaying the implementation of a rule designed to limit methane emissions at landfills, finding that the delay was in violation of the Clean Air Act.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic



Bay.org et al v. Zinke et al, 17-01176 (E.D. Cal.)

May 6, 2019: After being sued for violating the Endangered Species Act, the Fish and Wildlife Service cancelled the "WaterFix" project, which would have diverted water from the Sacramento River and harmed the Delta Smelt and other threatened and endangered species.

*Environment,
Energy, and
Natural
Resources*

N/A



EDF v. Environmental Protection Agency, 922 F.3d 446 (D.C. Cir. 2019)

April 26, 2019: A federal appeals court held that the Environmental Protection Agency's 2017 "Inventory Rule" violated the Toxic Substances Control Act by failing to ensure that companies meet certain requirements prior to claiming confidentiality under the Act. The court rejected several other claims brought by plaintiffs.

*Environment,
Energy, and
Natural
Resources*

Democratic



Center for Biological Diversity v. Zinke 18-02857 (D.D.C.)

April 26, 2019: After being sued for failing to respond to a petition to protect giraffes under the Endangered Species Act, the Department of Interior and Fish and Wildlife Service initiated the requested review to determine if giraffes should be listed as endangered.

*Environment,
Energy, and
Natural
Resources*

N/A



Citizens for Clean Energy v. Department of the Interior, 384 F. Supp. 3d 1264 (D. Mont. 2019)

April 19, 2019: A federal district court in Montana remanded Interior's decision to lift the existing moratorium on coal leasing of federal lands after finding that the agency had violated the National Environmental Protection Act by failing to conduct a proper environmental impact analysis. After the agencies prepared a new Environmental Assessment and Finding of No Significant Impact, plaintiffs requested an injunction but the court denied it holding that any assessment of the new documents must await a new complaint. See 2020 WL 2615527 (May 22, 2020).

Environment, Energy, and Natural Resources, Deregulation

Democratic



Natural Resources Defense Council v. Ross, No. 19-431 (D.D.C.)

April 15, 2019: After being sued for violating the Endangered Species Act and the Administration Procedures Act, the National Marine Fisheries Service (NMFS) listed the Gulf of Mexico Bryde's whale as endangered.

Environment, Energy, and Natural Resources

N/A



Saget v. Trump, 375 F. Supp. 3d 280 (E.D.N.Y. 2019), appeal dropped (2d. Cir. 19-01685)

April 11, 2019: A federal district court in New York enjoined Department of Homeland Security's decision to terminate Temporary Protected Status for individuals from Haiti, holding that the agency had failed to provide a reasoned explanation for the decision.

Immigration

Democratic



Innovation Law Lab v. Nielsen, 366 F.Supp.3d 1110, 1114 (N.D. Cal. 2019), stayed (U.S.S.C. March 11, 2020), affirmed 951 F.3d 1073 (Feb 28, 2020), injunction vacated as moot (U.S.S.C. No. 19-1212)

Immigration

Democratic

April 8, 2019: A federal district court in California enjoined the “Migrant Protection Protocols,” a Department of Homeland Security rule requiring non-Mexican asylum-seekers to remain in Mexico for the duration of their immigration proceedings. The injunction was stayed by the Supreme Court on March 11, 2020.



Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives, 920 F.3d 1 (D.C. Cir. 2019), *cert. denied*, 140 S. Ct. 789 (2020)

Public Safety

Democratic

April 1, 2019: The U.S. Court of Appeals declined to enjoin a Bureau of Alcohol, Tobacco, Firearms and Explosives rule—which classified bump-stock devices (devices that allow a shooter of a semiautomatic firearm to initiate a continuous firing cycle with a single pull of the trigger) as “machineguns” under the National Firearms Act of 1934 and the Gun Control Act of 1968, thus rendering bump-stock devices prohibited under the Acts—finding that the Bureau’s classification was reasonable, it had authority to promulgate the rule, and the rule was not arbitrary or capricious.



Potomac Riverkeeper, Inc. v. Wheeler, 381 F. Supp. 3d 1 (D.D.C. 2019), *aff’d* 2020 WL 2610887 (D.C. Cir. 2020)

*Environment,
Energy, and
Natural
Resources*

Republican

March 31, 2019: A federal district court in D.C. rejected plaintiffs challenge to EPA’s approval of Virginia’s impaired waters list, holding that the approval was not contrary to the Clean Water Act.



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

*Environment,
Energy, and
Natural
Resources*

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. Department of the Interior, 381 F. Supp. 3d 1153 (N.D. Cal. 2019)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Republican

March 29, 2019: A federal district court in California vacated Interior's repeal of the Valuation Rule reforming the procedures governing royalties, finding that the agency failed to provide a reasoned explanation for repealing the rule.



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

Health

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 Employee Income Retirement Security Act.



Stewart v. Azar, 366 F. Supp. 3d 125, 130 (D.D.C. 2019), appeal dismissed *Stewart v. Azar*, Nos. 19-5095, 19-5097, 2020 U.S. App. LEXIS 535 (D.C. Cir. Jan. 8, 2020).

*Health, Housing
& Public
Assistance*

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. Additionally, the court found that the decision violated the governing statute. (A previous and similar rule was also vacated. See the entry dated June 29, 2018.)



Gresham v. Azar, 363 F. Supp. 3d 165 (D.D.C. 2019), affirmed *Gresham v. Azar*, 950 F.3d 93 (D.C. Cir. 2020)

*Health, Housing
& Public
Assistance*

Democratic

March 27, 2019: A federal district court in DC [held](#) that Health and Human Service's March 2018 [decision](#) approving Arkansas'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.



2-Bar Ranch Ltd. Partnership v. United States Forest Service, 377 F. Supp. 3d 1172 (D. Mont. 2019), *rev'd*, 996 F.3d 984 (9th Cir. 2021)

*Environment,
Energy, and
Natural
Resources*

Republican

March 26, 2019: A federal district court [enjoined](#) the Forest Service's suspension of Plaintiffs' grazing privileges in the Beaverhead-Deerlodge National Forest, holding that the suspension violated governing statutes.

In May 2021 (after President Biden was inaugurated), the Ninth Circuit reversed, holding that the Forest Service acted lawfully.



City of Council Bluffs, Iowa v. Department of the Interior, 368 F. Supp. 3d 1276 (S.D. Iowa 2019), *affirmed*, 11 F.4th 852 (8th Cir. 2021)

*Environment,
Energy, and
Natural
Resources*

Democratic

March 26, 2019: A federal district court largely upheld the decision of the National Indian Gaming Commission which had concluded that the Ponca Tribe of Nebraska was permitted to conduct gaming activities. The court held, however, that the Commission unreasonably failed to consider purported verbal agreement between the Tribe and the state of Iowa and remanded the matter to the agency to address that issue.

In August 2021 (after President Biden was inaugurated), the 8th Circuit affirmed the lower court's decision.



Upper Missouri Waterkeeper v. Environmental Protection Agency, 377 F. Supp. 3d 1156, 1169–70 (D.Mont. 2019), *aff'd in part and rev'd in part*, 15 F.4th 996 (9th Cir. 2021)

*Environment,
Energy, and
Natural
Resources*

Democratic

March 25, 2019: A federal district court in Montana held that EPA violated the Clean Water Act in allowing a seventeen-year timeline to meet a water quality standard. *See also Upper Missouri Waterkeeper v. U.S. Environmental Protection Agency*, 2019 WL 7020145 (D.Mont. 2019) (denying EPA's motion to amend the judgment).

In October 2021 (after President Biden was inaugurated) the Ninth Circuit reversed in part and granted summary judgment to EPA. The court held that EPA's regulations did not require compliance with water quality standards by the end of the variance's term.



R.F.M. v. Nielsen, No. 18-5068, 365 F. Supp. 3d 350 (S.D.N.Y. 2019)

Immigration

Democratic

March 15, 2019: A federal district court in New York held that the administration's new policy, which barred the New York Family Court from making findings sufficient to grant Special Immigrant Juvenile status, was contrary to the plain language of the Special Immigrant Juvenile provision of the Immigration and Nationality Act, lacked a reasoned explanation, and violated notice-and-comment requirements. Other federal district courts came to similar conclusions. See, e.g., *Moreno Galvez v. Cuccinelli*, No. 19-0321, 387 F. Supp. 3d 1208 (W.D. Washington 2019); *W.A.O. v. Cuccinelli*, No. 19-11696 (D.N.J. July 3, 2019); *J.L. v. Cissna*, 341 F. Supp.3d 1048, 1059 (N.D. Cal. 2018).



Council of Parent Attorneys and Advocates, Inc. v. DeVos No. 18-1636, 365 F. Supp. 3d 28, 2019 WL 1082162 (D.D.C. March 7, 2019)

Consumer Protection & Education

Democratic

March 7, 2019: A federal district court in D.C. vacated the Department of Education's [2018 delay](#) of its [2016 regulation](#) designed to address disproportionality based on race in the identification and placement of students with disabilities, holding that the agency failed to provide reasoned explanation for the delay and failed to consider costs in implementing the delay.



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

*Deregulation,
Worker
Protection &
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. In June 2020, the appeal was dismissed as moot "in light of the parties' agreement that the government has substantially complied with the district court's post-judgment orders."



National Parks Conservation Association v. Semonite, 916 F.3d 1075 (D.C. Cir. 2019)

Democratic

March 1, 2019: A federal appeals court in D.C. held that the Army Corps had violated the National Environmental Policy Act and Preservation Act in granting a permit to build a new electrical station and transmission lines across the James River in the Jamestown historic district. In this case, the court reversed a lower court decision holding in favor of the agency.



Klamath Siskiyou Wildlands Center v. Bureau of Land Management, 2019 WL 2774317 (D. Or. July 2, 2019)

*Environment,
Energy, and
Natural
Resources*

Democratic

February 20, 2019: A federal district court in Oregon adopted the report and recommendation of a magistrate judge, holding that the Lower Grave timber sale decision of the Bureau of Land Management (BLM) violated the National Environmental Policy Act by failing to consider a reasonable range of alternatives.



Roe v. Shanahan, 359 F. Supp. 3d 382 (E.D. Va. 2019), affirmed 947 F.3d 207 (4th Cir. 2020)

*Health, Public
Safety*

Democratic

February 15, 2019: A federal district court in Virginia enjoined the Department of Defense from enforcing its policies related to discharging servicemembers who tested positive for HIV, after finding that the policy was irrational and unjustified.



California v. Azar, 351 F. Supp. 3d 1267 (N.D. Cal. 2019), affirmed 941 F.3d 410 (9th Cir. 2019)

Health

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 930 F.3d 543 (3d Cir. 2019). (The two new rules had replaced a rule that had previously been enjoined. See the entry dated December 15, 2017.)



Front Range Nesting Bald Eagle Studies v. Fish and Wildlife Service, 353 F. Supp. 3d 1115 (D. Colo. 2018), appeal dismissed (10th Cir. 19-1062)

Environment, Energy, and Natural Resources

Democratic

December 13, 2018: A federal district court in Colorado [vacated](#) a permit, and its associated environmental analysis, that had authorized a construction company to engage in activities that may significantly disturb bald eagles, holding that the agency's analysis violated the National Environmental Policy Act for failure to consider cumulative impacts and that the agency had violated notice and comment requirements by providing only a seven-day public comment period.



Sierra Club v. Army Corps of Engineers, 909 F.3d 635 (4th Cir. 2018)

Environment, Energy, and Natural Resources

Democratic

November 27, 2018: A federal appeals court vacated the Army Corps' authorization pertaining to West Virginia activities related to the Mountain Valley pipeline, holding that the project did not satisfy the conditions of the permit.



Leymis V. v. Whitaker, 355 F. Supp. 3d 779 (D.Minn. 2018), affirmed 979 F.3d 572 (8th Cir. 2020)

Immigration

Republican

November 21, 2018: A federal district court in Minnesota held that the decision of the U.S. Citizenship and Immigration Services to deny Lawful Permanent Resident to citizens who had entered the country without inspection or admission but later received Temporary Protected Status was contrary to the plain language of the Immigration and Nationality Act. The Third Circuit ruled the other way. *Sanchez v. Secretary United States Department of Homeland Security*, 967 F.3d 242, 245 (3rd Cir. 2020), cert granted, 141 S.Ct. 973 (Jan. 8, 2021).



East Bay Sanctuary Covenant v. Trump, 349 F. Supp. 3d 838 (N.D. Cal. November 19, 2018), affirmed *East Bay Sanctuary Covenant v. Trump*, 932 F.3d 742 (9th Cir. 2018)

Immigration

Democratic

November 19, 2018: A federal district court enjoined an Interim Final Rule which barred asylum for immigrants who entered the country outside of a designated port of entry, finding that the rule violated the controlling statute.



Jiahao Kuang v. Department of Defense, No. 18-03698, 340 F. Supp. 3d 873, 2018 WL 6025611 (N.D. Cal. 2018)

Immigration

Democratic

November 16, 2018: A federal district court in California enjoined the Department of Defense's new policy for background investigations for Lawful Permanent Residents (LPRs), holding that the agency had failed to provide a reasoned explanation for the policy change.



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

*Immigration,
Deregulation*

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 under settled law. 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. See *Casa De Maryland v. U.S. Department of Homeland Security*, 284 F. Supp. 3d 758, 779 (D. Md. 2018). On June 18, 2020, the Supreme Court found that the rescission was arbitrary and capricious.



Committee for a Better Arvin, et al. v. Wheeler, et al., No. 18-05700 (N.D. Cal. 2018)

*Environment,
Energy, and
Natural
Resources*

Democratic

October 24, 2018: A federal district court in California held that EPA had failed to comply with a nondiscretionary duty to find that California had failed to submit plans for three overdue nonattainment areas addressing nonattainment of the 1997, 2006, and 2012 National Ambient Air Quality Standards for fine particulate matter.



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

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, capricious, and in excess of its statutory authority under the Magnus-Stevens Fishery Conservation and Management Act.

Environment, Energy, and Natural Resources, Deregulation

Republican



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

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, alleging that DOT violated the Administrative Procedure Act's notice-and-comment requirements and failed to provide an adequate explanation for its decision to delay implementation of the rule.

Consumer Protection & Education, Deregulation

N/A



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

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.

Consumer Protection & Education, Deregulation

Republican



Crow Indian Tribe v. United States, 343 F. Supp. 3d 999, 1004 (D.Mont. 2018), affirmed No. 18-36030, 2020 WL 3831636 (9th Cir. July 8, 2020)

September 24, 2018: A federal district court in Montana that the U.S. Fish and Wildlife Service's [decision](#) to delist a population of grizzly bears in Yellowstone National Park from the federal list of endangered species violated the Endangered Species Act because the agency had not studied the effects that delisting that population would have on other populations of the species. The Ninth Circuit [upheld](#) that decision.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic



Western Watersheds Project v. Zinke, 336 F. Supp. 3d 1204 (D. Idaho 2018), appeal dismissed (9th Cir. 20-35342)

September 21, 2018: A federal district court in Idaho [enjoined](#) a Bureau of Land Management [rule](#) limiting environmental review and public participation in oil and gas lease sales that would threaten the sage grouse for violating Administrative Procedure Act notice-and-comment requirements, for exceeding its statutory authority under the Federal Land Policy and Management Act, and for violating the National Environmental Policy Act. On February 27, 2020, the district court [held](#) that the grounds for the preliminary injunction remained sound and granted summary judgment in plaintiffs' favor.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

N/A (Magistrate)



Center for Biological Diversity v. Zinke, No. 17-24444, No. 1:17-CV-24444-UU, 2018 WL 6807397 (S.D. Fla. Sept. 20, 2018)

*Environment,
Energy, and
Natural
Resources*

N/A

Sept. 20, 2018: The Department of Interior settled a case and agreed to an expanded and enhanced protected areas in a Endangered Species Act case related to pine rockland habitat and certain protected species in Miami-Dade County, Florida.



Zzyym v. Pompeo, 341 F. Supp. 3d 1248 (D. Colo. 2018), affirmed in part, 958 F.3d 1014 (10th Cir. 2020)

Health

Democratic

September 19, 2018: A federal district court in Colorado held that policy of withholding a passport from intersex individual who filled out “gender” box in passport form with the word “intersex” was outside of the agency’s statutory authority and not supported by rational analysis. On appeal, the Tenth Circuit held that the agency had acted within its authority, but that it had exercised that authority in a manner that was arbitrary and capricious because three of its reasons were unsupported by the record.



New York v. Department of Health & Human Services, No. 18-cv-00683 (S.D.N.Y. Sept. 17, 2018)

Health

Republican

September 17, 2018: After New York and Minnesota challenged the Department of Health and Human Services’ December 2017 policy that sought to cut off over \$1 billion in funding for the states’ operation of the Basic Health Program, the Department agreed to provide the states funding, and following these payments, the case was voluntarily dismissed.



FMS Investment Corp. v. United States, Nos. 18-862, 18-872, 18-873, 18-889, 18-894, 18-895, 18-901, 18-946 (Consolidated), 139 Fed.Cl. 221, 2018 WL 4378178 (September 14, 2018, Fed. Cl), appeal filed (Fed. Cir. No. 19-1271)

Sept 14 2018: A federal claims court enjoined that the Department of Education's decision to cancel a solicitation process related to student loan debt collection holding that the agency had failed to provide a reasoned explanation for the policy change.

Consumer Protection & Education

Republican



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

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.

Consumer Protection & Education, Deregulation

Democratic



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

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

Consumer Protection & Education, Deregulation

Democratic



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

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.

Consumer Protection & Education, Deregulation

Democratic



Planned Parenthood of New York City, Inc. v. Department of Health and Human Services, No. 18 CIV. 5680, 337 F. Supp. 3d 308 (S.D.N.Y. 2018)

Health

Democratic

August 30, 2018: A federal district court in New York held that new grant requirements for teen pregnancy programs favoring abstinence-only programs violated the Teen Pregnancy Prevention Program, a part of the 2018 Consolidated Appropriations Act. Other courts came to a similar conclusion. *Planned Parenthood of Greater Washington and North Idaho v. Department of Health & Human Services*, 946 F.3d 1100, 1105 (9th Cir. 2020); *Multnomah Cty. v. Azar*, 340 F. Supp. 3d 1046 (D. Or. 2018).



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

Housing & Public Assistance, Deregulation

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. Environmental Protection Agency, 906 F.3d 1049 (D.C. Cir. 2018)

Environment, Energy, and Natural Resources, Deregulation

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)

Environment, Energy, and Natural Resources, Deregulation

Republican

August 16, 2018: A federal district court in South Carolina enjoined the Environmental Protection Agency's (EPA) suspension of the Obama-era Clean Water Rule. The court held that the agency failed to seek public comment on the full scope of the action, and failed to provide a reasoned analysis of the suspension. 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).



Koopmann v. Department of Transportation, No. 18-3460, 335 F. Supp. 3d 556, 2018 WL 3946450 (S.D.N.Y. August 16, 2018)

Worker Protection & Discrimination

Democratic

August 16, 2018: A federal district court in New York held that the Department of Transportation's policy barring former employees from testifying in court under the Housekeeping Statute was unlawful.



ABC Aerolineas, S.A. de C.V. v. Department of Transportation, 747 F. App'x 865 (D.C. Cir. 2018)

Consumer Protection & Education

Republican

August 14, 2018: A federal appeals court upheld the Department of Transportation's approval of a cooperation agreement between two airlines, finding that the Department's action did not amount to an improper attempt to assert authority over Mexico and holding that excluding Interjet, a business competitor with the second highest number of slots at the Mexican airport, from receiving slot divestitures was not arbitrary and capricious.



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

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 because the agency failed to provide a reasoned explanation for its action, 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*, 362 F. Supp. 3d 126 (S.D.N.Y. Feb. 22, 2019).

Environment, Energy, and Natural Resources, Deregulation

N/A



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

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.

Environment, Energy, and Natural Resources, Deregulation

Democratic



Natural Resources Defense Council v. Environmental Protection Agency, No. 18-25 (2d Cir.)

July 31, 2018: After being sued for violating the Toxic Substances Control Act (TSCA) and the Administrative Procedure Act's notice-and-comment requirements in issuing the Framework Rule, EPA filed a brief and affidavit in the case explaining that it was not following the Framework Rule.

Environment, Energy, and Natural Resources

N/A



Sierra Club, Inc. v. Forest Service, 897 F.3d 582 (4th Cir. 2018)

*Environment,
Energy, and
Natural
Resources*

Mixed

July 27, 2018: A federal appeals court vacated the Forest Service's decision to amend the Jefferson National Forest Land Resource Management Plan to accommodate the Mountain Valley Pipeline and the Bureau of Land Management's decision granting a right of way through federal land for construction and operation of the pipeline, holding that the two agencies violated their governing statutes in several respects.



Environmental Defense Fund v. Environmental Protection Agency, No. 18-1190 (D.C. Cir.); *California v. Environmental Protection Agency*, No. 18-1192 (D.C. Cir.)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

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.



Natural Resources Defense Council v. Ross, 331 F. Supp. 3d 1338 (CIT 2018)

*Environment,
Energy, and
Natural
Resources*

Democratic

July 26, 2018: The Court of International Trade granted a preliminary injunction ordering the Department of Commerce and several other federal agencies to ban the importation of fish or fish products from any Mexican commercial fishery that uses gillnets within the endangered vaquita's range in violation of the Marine Mammal Protection Act.



Ergon-West Virginia, Incorporated v. Environmental Protection Agency, 896 F.3d 600 (4th Cir. 2018)

Environment, Energy, and Natural Resources

Republican

July 20, 2018: A federal appeals court vacated EPA's decision denying a small refinery exemption under the renewable fuel standard program.



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

Health, Housing & Public Assistance

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 and for failure to consider the health harms as compared to the benefits of the rollback.



L.V.M. v. Lloyd, No. 18-1453, 318 F. Supp. 3d 601 (S.D.N.Y. June 27, 2018)

Immigration

Republican

June 27, 2018: A federal district court in New York enjoined and vacated a new policy requiring director review before placing unaccompanied minors in a less restrictive setting, as required by the Trafficking Victims Protection Reauthorization Act, holding that the policy violated the statute and was adopted without reasoned analysis.



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

Environment, Energy, and Natural Resources, Deregulation, Worker Protection & Discrimination

N/A

June 22, 2018: The Environmental Protection Agency [published](#) training materials for farmers exposed to poisonous pesticides after being [sued](#) for [delaying](#) the release of those materials in violation of the agency's own regulations.



Calvillo Manriquez v. DeVos, 345 F. Supp. 3d 1077 (N.D. Cal. 2018)

Consumer Protection & Education

N/A (Magistrate)

May 25, 2018: A federal district court enjoined the Department of Education's implementation of a new borrowers' defense policy—which departed from the prior administration's policy of providing full relief for student borrowers who attested that they were part of a class of individuals who had been defrauded by an illicit act or omission by a qualifying Corinthian school, finding that the Secretary's implementation of the policy violated the Privacy Act by disclosing borrowers' information to the Social Security Administration. Additionally, in *Sweet v. DeVos*, No. 19-03674, 2020 WL 6149690 (N.D. Cal. Oct. 19, 2020), the federal district court denied a proposed settlement between another class of student borrowers and the Department, finding that the parties had not reached the requisite common understanding as to the meaning of the settlement, after the plaintiffs objected to perfunctory and superficial denials.



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

Health

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)

*Environment,
Energy, and
Natural
Resources,
Deregulation*

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.



City of Chicago v. Sessions, 888 F.3d 272 (7th Cir. 2018), appeal dropped (U.S.S.C. 20-666)

Immigration

Republican

April 19, 2018: A federal appeals court granted a preliminary injunction prohibiting the conditions imposed by the Justice Department on annual federal grants from the Edward Byrne Memorial Justice Assistance Grant Program, which targeted sanctuary cities, as the conditions were likely in violation of the constitutional separation of powers. A court in California entered a similar injunction. *City and County of San Francisco v. Barr*, 965 F.3d 753 (9th Cir. 2020).



Navajo Nation v. Azar, No. 18-0253, 302 F. Supp. 3d 429 (D.D.C. 2018)

*Consumer
Protection &
Education*

Republican

March 27, 2018: A federal district court in D.C. held that Health and Human Services failed to provide Indian tribe with appeal and hearing rights required under Head Start Act for reduction in funding for Head Start programs.



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

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.

Environment, Energy, and Natural Resources, Deregulation

Republican



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

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.

Environment, Energy, and Natural Resources, Deregulation

Democratic



Natural Resources Defense Council v. Zinke, Docket No. 17-02504 (D.D.C.)

March 1, 2018: After being sued for violating the Administrative Procedure Act and the Endangered Species Act when reversing course on two previous findings that had blocked the imports of elephants and lions from Zambia and Zimbabwe, the Department of Interior and Fish and Wildlife Service withdrew the new policy. The agency subsequently announced that it would apply that policy in individual adjudications. (See the entry dated June 16, 2020.)

Environment, Energy, and Natural Resources

N/A



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

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 agency violated the Administrative Procedure Act's notice-and-comment requirements, and that the rule was arbitrary and capricious because the agency failed to give a reasoned explanation for turning its back on the facts underlying its decision to issue the Waste Prevention Rule.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic



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

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.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Republican



Natural Resources Defense Council v. Perry, 302 F. Supp. 3d 1094 (N.D. Cal. 2018), affirmed, *Natural Resources Defense Council v. Perry*, 940 F.3d 1072 (9th Cir. 2019)

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 in violation of the agency's own regulations. The Ninth Circuit later affirmed the lower court ruling.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic



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

Housing & Public Assistance, Deregulation

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. The court found that plaintiffs were likely to show HUD's delay was arbitrary and capricious because the agency failed to consider an important aspect of the problem, and that the agency had violated the Administrative Procedure Act's notice-and-comment requirements.



Stockman v. Trump, No. 17-1799, 2017 WL 9732572 (C.D. Cal. Dec. 22, 2017), appeal dropped (9th Cir. No. 17-36009).

Worker Protection & Discrimination

Democratic

December 22, 2017: A federal district court in Washington enjoined the Department of Defense's new [policy](#) (reversing course on a 2016 [policy](#)) barring transgender individuals from entering the military and authorizing the discharge of military members solely on the basis of their transgender status, holding that plaintiffs were likely to succeed on the merits of their equal protection claim. Three other district courts also enjoined the policy. *Doe 1 v. Trump*, 275 F. Supp. 3d 167 (D.D.C. 2017); *Stone v. Trump*, 280 F. Supp. 3d 747 (D. Md. 2017); *Stockman v. Trump*, No. 17-1799, 2017 U.S. Dist. LEXIS 221323, 2017 WL 9732572 (C.D. Cal. Dec. 22, 2017).



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

Immigration, Deregulation

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

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.

Environment, Energy, and Natural Resources, Deregulation

N/A (Magistrate)



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

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.

Environment, Energy, and Natural Resources, Deregulation

N/A



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

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. Plaintiffs alleged the agency had violated the Administrative Procedure Act's notice-and-comment procedures and failed to provide a reasoned explanation for the changed approach.

Health, Deregulation

N/A



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

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).

*Environment,
Energy, and
Natural
Resources,
Deregulation*

N/A



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

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.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic



Natural Resources Defense Council v. Environmental Protection Agency, No. 17-1157 (D.C. Cir.)

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.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

N/A



American Lung Association v. Environmental Protection Agency, No. 17-1172 (D.C. Cir.)

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

*Environment,
Energy, and
Natural
Resources,
Deregulation*

N/A



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

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 the delay was outside the agency's authority under the Clean Air Act.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

Democratic



Natural Resources Defense Council v. Environmental Protection Agency, No. 17-00751 (S.D.N.Y.)

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.

*Environment,
Energy, and
Natural
Resources,
Deregulation*

N/A



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

Environment, Energy, and Natural Resources, Deregulation

N/A

May 24, 2017: After being [sued](#) for failing to comply with the Administrative Procedure Act's notice-and-comment requirements 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. Department of Interior, No. 17-01130 (S.D.N.Y.)

Environment, Energy, and Natural Resources, Deregulation

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 self-implementing presidential memoranda or executive orders or over project-level decisions. [^](#)

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. [^](#)

A new administration's litigation strategy may differ from the previous administration's litigation strategy due to differences in policy objectives. See Bethany A. Davis Noll, "Tired of Winning": Judicial Review of Regulatory Policy in the Trump Era, 73 Admin L. Rev. 353, 389 (2021) (noting ways in which Biden administration's strategy changed in light of substantive goals). Accordingly, changes after President Biden took office are not clearly attributable to the Trump administration, and we did not recategorize reversals that occurred after this transition. [^](#)

The Roundup reflects wins and losses as they stood on January 20, 2021 when President Biden was inaugurated and his administration took over the defense of cases. Subsequent reversals on appeal or any other subsequent modifications that occurred prior to April 1, 2022 are noted in the relevant entry, but are not reflected in "win" or "loss" categorizations. If cases in the tracker were instead categorized as wins or losses based on subsequent substantive reversals on appeal or other subsequent modifications that occurred, 57 cases (23%) would have been successful for the administration and 188 (77%) of cases would have been unsuccessful for the administration. [^](#)

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 complied with the law. See, e.g., *Make The Road New York v. Wolf*, 2020 WL 3421904 (D.C. Cir. 2020) (decision was unreviewable because committed to the agency's sole discretion); *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 on the panel. "Mixed" refers to a case where there were only two judges deciding the case and those judges were nominated by presidents of different parties. "N/A" refers to a case where the agency withdrew the action before a court could rule on the legality of the action. "N/A (Magistrate)" refers to a case where a magistrate judge issued the decision. [^]_{_}