

The Honorable Justices of the Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Dear Honorable Justices:

As state legislators from across this great nation, we write to respectfully request the Court to address the growing misuse of nationwide injunctions by federal district courts. These sweeping orders, which allow a single judge among 94 federal districts to halt duly enacted laws or executive actions nationwide, undermine democratic accountability, disrupt state governance, and threaten the separation of powers. Signed by legislators across the nation, this letter reflects our shared commitment to ensuring our constituents' voices, expressed through elected representatives, are not silenced by judicial overreach.

In the recent *Trump v. CASA* case before the Supreme Court of the United States, the majority plainly held "Universal injunctions likely exceed the equitable authority that Congress has given to federal courts." *Trump v. Casa*, No. 24A884, slip op at 2 (S. Ct, Jun. 27 2025).

The asymmetric nature of nationwide injunctions exacerbates their harm. When one district court upholds a law or executive order while another issues a nationwide injunction to enjoin it, the injunction prevails, effectively nullifying the law or policy across all jurisdictions despite conflicting judicial findings. For example, during challenges to President Trump's travel ban, the District Court of Hawaii issued a nationwide injunction in *Hawaii v. Trump*, 249 F. Supp. 3d 698 (D. Haw. 2017), halting the policy, even as other courts evaluated its legality differently. This asymmetry empowers a single judge to override both democratic processes and divergent judicial opinions, creating legal uncertainty and undermining state sovereignty.

In *Trump v. Hawaii*, 138 S. Ct. 2392 (2018), Justice Thomas, in his concurrence, warned that nationwide injunctions "are beginning to take a toll on the federal court system—preventing legal questions from percolating through the federal courts, encouraging forum shopping, and making every case a national emergency" (*id.* at 2425). He further questioned their constitutional basis in *Department of Homeland Security v. New York*, 140 S. Ct. 599 (2020), noting they "raise serious questions about the scope of courts' equitable powers under Article III" (*id.* at 600, Thomas, J., concurring). This concern is amplified when a lone injunction overrides a law upheld elsewhere, as seen in *United States v. Texas*, 143 S. Ct. 51 (2022), where Justice Gorsuch criticized such orders for disrupting the "orderly development of the law" (*id.* at 54).

As legislators, we often hear and share the frustration of constituents when state and federal laws, enacted through rigorous democratic processes, are halted by distant courts. This practice erodes public trust and delays justice. We respectfully implore the Court to clarify the standards for issuing nationwide injunctions, ensuring they align with Article III's limits and respect the roles of coequal branches and states. Such guidance would safeguard democracy and affirm our citizens' right to see their laws take effect absent extraordinary justification.

Thank you for fully and fairly considering this pressing issue. We trust in the Court's wisdom to restore balance to our judicial system.

Respectfully,

/Adam Mathews/
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