

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NATIONAL TPS ALLIANCE, et al.,
Plaintiffs,
v.
KRISTI NOEM, et al.,
Defendants.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 25-cv-05687-TLT

**ORDER ON MOTION TO DISMISS;
MOTION TO EXCLUDE EXPERT
TESTIMONY; MOTION FOR
PARTIAL SUMMARY JUDGMENT;
MOTION FOR SUMMARY
JUDGMENT**

Re: Dkt. Nos. 110, 142, 143, 144

Although today's times seem to be flooded with crises and emergencies—whether speculative, genuine, or contrived—our Constitution remains an important protection from unbridled power. Unilateral power has never been American. Nor has this country ignored the importance of humanitarian relief. Indeed, leaders around the world are often recognized for defending human rights, protecting the vulnerable, and pursuing efforts that foster peace. In enacting the Temporary Protected Status statute, Congress codified the importance of humanitarian relief for those within the United States who are unable to return to their country of origin. By complying with the Constitution and enforcing the purpose of the Temporary Protected Status statute, this nation's economy becomes strengthened and our society united.

Before the Court is (1) Defendants' motion to dismiss; (2) Defendants' motion to exclude the testimony of (i) Stacy Tolchin, (ii) Hannah Postel, (iii) Melanie Morten, (iv) Elliott Young, (v) Tara Watson, (vi) Tom Wong, (vii) Dana Frank; (3) Plaintiffs' motion for partial summary judgment; and (4) Defendants' motion for summary judgment.

This case was subject to several interruptions. In August, the Court's decision on Plaintiffs' motion to postpone was stayed by the Ninth Circuit, the parties' and the Court's

1 resources were strained by a lapse in appropriations by Congress from October 1, 2025 to
2 November 13, 2025, and the parties experienced a number of roadblocks in exchanging discovery.
3 Nonetheless, the Court held a hearing, as scheduled, on the motions on November 18, 2025. ECF
4 187.

5 This Order addresses each of the motions pending before the Court in five sections.

6 Section I discusses the factual and legal background, as well as the procedural history
7 under which these motions arose.

8 Section II identifies and rejects Defendants' argument that this Court lacks jurisdiction.

9 Section III discusses the Court's decision to **DENY** Defendants' motion to dismiss.

10 Section IV explains the Courts' decision to **GRANT** Defendants' motion to exclude the
11 expert testimony of (i) Stacy Tolchin, (ii) Hannah Postel, (iii) Melanie Morten, (iv) Tara Watson,
12 (v) Tom Wong, (vi) Dana Frank; and the Court's decision to **DENY** Defendants' motion to
13 exclude the testimony of Elliott Young.

14 Section V discusses the pending motions for summary judgment. In Section IV, the Court
15 provides the grounds for the Court's decision to **GRANT** Plaintiffs' motion for partial summary
16 judgment on two of the claims raised under the Administrative Procedure Act ("APA"), and the
17 grounds for the Court's decision to **DENY** Defendants' motion for summary judgment on
18 Plaintiffs' APA claims and Equal Protection Claim.

19 **I. BACKGROUND**

20 **A. Procedural History**

21 On July 7, 2025, Plaintiffs filed the instant lawsuit asserting claims under the APA and the
22 Due Process Clause of the Fifth Amendment. ECF 1. The following day, Plaintiffs filed a motion
23 to postpone the effective date of the Department of Homeland Security's ("DHS") decision to
24 terminate TPS for Honduras, Nepal, and Nicaragua. ECF 17. On July 14, 2025, Defendants filed
25 an opposition to Plaintiffs' motion to postpone the effective date of DHS's decision. ECF 45.
26 Plaintiffs replied on July 18, 2025. The Court held a hearing on Plaintiffs' motion on July 29,
27 2025. ECF 71.

28 On July 31, 2025, the Court granted Plaintiffs' motion to postpone. ECF 73. On August

1 judgment, and the Court denies Defendants' motion.

2 **VI. CONCLUSION**

3 "The President is not above the law." *Trump v. United States*, 603 U.S. 593, 642 (2024).

4 Neither are his cabinet officials. The rule of law demands that when executive officials exceed
5 their authority, they must be held to account. The Administrative Procedures Act ensures
6 government accountability by making agencies transparent, require public participation, setting
7 fair rulemaking standards, and allowing courts to review actions for legality and rationality.

8 Our laws should not favor the loud and powerful simply because of their positions. Yet,
9 for too long, our laws have overlooked the quiet truths—truths carried in the margins, truths lived
10 but never spoken aloud. It is the duty of every public servant entrusted with shaping a more just
11 society to bring those truths into the open, to translate lived experience into written protection. It
12 means hearing the faintest whisper of injustice and refusing to let it fade. It means honoring the
13 people who call this country home but have never been invited to speak in it. It means finally
14 ensuring that the law speaks for them.

15 Having considered the parties' briefs, the relevant legal authority, and for the reasons
16 below, the Court **DENIES** Defendants' motion to dismiss; **GRANTS IN PART** and **DENIES IN**
17 **PART** Defendants' motion to exclude expert testimony; **GRANTS** Plaintiffs' motion for partial
18 summary judgment; **DENIES** Defendants' motion for summary judgment.

19 Specifically, the Court declares that the termination of TPS for Nepal on June 6, 2025, and
20 Honduras and Nicaragua on July 7, 2025, were unlawful under the APA. Moreover, the Court
21 vacates the Secretary's termination decisions with respect to Honduras, Nepal, and Nicaragua.
22 *Corner Post, Inc. v. Bd. of Governors of Fed. Reserve Sys.*, 603 U.S. 799, 830–31 (2024)
23 (Kavanaugh, J., concurring) ("When a federal court concludes that an agency adjudicative order
24 [or any other agency action] is unlawful, the court must vacate that order.").

25 The Court directs entry of a final judgment under Rule 54(b) on the APA claims for which
26 the Court has granted summary judgment in favor of Plaintiffs. *See* Fed. R. Civ. P. 54(b) ("When
27 an action presents more than one claim for relief . . . , the court may direct entry of a final
28 judgment as to one or more, but fewer than all, claims or parties only if the court expressly

1 determines that there is no just reason for delay.”). The Clerk of the Court is directed to enter a
2 final judgment in favor of Plaintiffs on the APA claims raised in Plaintiffs’ motion for partial
3 summary judgment related to (1) the termination of TPS for Honduras (2) the termination of TPS
4 for Nepal, and (3) the termination of TPS for Nicaragua.

5 As for the remaining claims – (4) the APA claim related to the orderly transition period for
6 Honduras, (5) the APA claim related to the orderly transition period for Nepal, (6) the APA claim
7 related to the orderly transition period for Nicaragua, (7) the Equal Protection claim related to the
8 Honduras TPS decisions, (8) the Equal Protection claim related to the Nepal TPS decisions and (9)
9 the Equal Protection claim related to the Nicaragua TPS decisions – the Court temporarily stays
10 continued litigation.

11 A temporary stay will help conserve judicial and litigant resources. Further, a stay will
12 allow the appellate courts to adjudicate most of the statutory claims before the constitutional ones.
13 *Cf. Califano v. Yamasaki*, 442 U.S. 682, 692 (1979) (stating that “[a] court presented with both
14 statutory and constitutional grounds to support the relief requested usually should pass on the
15 statutory claim before considering the constitutional question”).

16 This Order resolves ECF 110, 142, 143, 144, and 153.

17 IT IS SO ORDERED.

18 Dated: December 31, 2025



19
20
21
22
23
24
25
26
27
28

TRINA L. THOMPSON
United States District Judge