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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

BREAKING: Maryland Judge Blocks Trump Birthright Citizenship Order

By **Jared Foretek**

Law360 (February 5, 2025, 11:58 AM EST) -- A Maryland federal judge on Wednesday issued a nationwide injunction blocking President Donald Trump's executive order ending birthright citizenship.

Enforcement of the Inauguration Day executive order, issued just hours after Trump took office, was first halted by a Washington federal judge's 14-day temporary restraining order on Jan. 23, in a challenge brought by state attorneys general from Washington, Arizona, Illinois and Oregon. That restraining order was set to expire this week, with another hearing in Seattle scheduled for Thursday.

But in a bench ruling Wednesday, U.S. District Judge Deborah Boardman granted a preliminary injunction that will remain in place through the resolution of the Maryland case, barring reversal by the Fourth Circuit or the U.S. Supreme Court. The injunction was sought by immigrant rights advocates CASA, the Asylum Seeker Advocacy Project and three pregnant women whose children would have been deprived U.S. citizenship if the executive order had taken effect for children born on or after Feb. 19. The judge held that the plaintiffs had "easily" met their burden for a preliminary injunction and that the executive order would likely be found unconstitutional.

"The U.S. Supreme Court has resoundingly rejected the president's interpretation of the citizenship clause of the 14th Amendment. In fact, no court in the country has ever endorsed the president's interpretation," Judge Boardman said following an hour of oral argument Wednesday morning at the U.S. district court in Greenbelt, Maryland. "This court will not be the first."

An attorney for the U.S. Department of Justice had told Judge Boardman that if she were to issue an injunction, it should only apply to the individual plaintiffs in the case in Maryland. But Judge Boardman said that the nationwide concern of citizenship "demands a uniform policy."

"Today, virtually every baby born on U.S. soil is a U.S. citizen upon birth. That is the law and tradition of our country," she said. "That law and tradition are — and will remain — the status quo pending the resolution of this case. The government will not be harmed by a preliminary injunction that prevents it from enforcing the executive order likely to be found unconstitutional. If anything, our system of government is improved by an injunction that prevents unconstitutional executive action."

Deputy Assistant Attorney General Eric Hamilton wouldn't say Wednesday whether the government planned to appeal the injunction ruling to the Fourth Circuit.

The plaintiffs are represented by Joseph W. Mead, Mary B. McCord, Rupa Bhattacharyya, William Powell, Alexandra Lichtenstein and Gregory Briker of the Institute for Constitutional Advocacy and Protection, Nicholas Katz of CASA Inc. and Conchita Cruz, Zachary Manfredi, Dorothy Tegeler and Leidy Perez of the Asylum Seeker Advocacy Project.

The federal government is represented by Brett A. Shumate, Eric J. Hamilton, Erek L. Barron, Alexander K. Haas, Brad P. Rosenberg, Yuri Fuchs, R. Charlie Merritt and Melissa E. Goldmeier of the U.S. Department of Justice.

The case is Casa Inc. et al. v. Trump et al., case number 8:25-cv-00201, in the U.S. District Court for the District of Maryland.

--Editing by Daniel King.

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