

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

STATE OF OREGON and the
CITY OF PORTLAND, and **STATE OF CALIFORNIA**,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as President of the United States; **PETE HEGSETH**, in his official capacity as Secretary of Defense; **U.S. DEPARTMENT OF DEFENSE**; **KRISTI NOEM**, in her official capacity as Secretary of Homeland Security; and **U.S. DEPARTMENT OF HOMELAND SECURITY**,

Defendants.

Case No. 3:25-cv-1756-IM

PARTIAL FINAL JUDGMENT

IMMERGUT, District Judge.

This Court held a three-day bench trial that commenced on October 29, 2025, on Plaintiffs’ two claims that Defendants’ (1) federalization and deployment of members of the Oregon National Guard, and (2) the deployment of federalized California National Guard in Oregon was *ultra vires* because it violated 10 U.S.C. § 12406 and violated the Tenth Amendment. ECF 125; Amended Complaint, ECF 58 ¶¶ 113–21, 131–45. This Court issued its Findings of Fact and Conclusions of Law on November 7, 2025, ECF 146. This Court finds that there is “no just reason for delay” to enter final judgment on Plaintiffs’ two claims that proceeded to trial on the merits. Fed. R. Civ. P. 54(b); *see* Fed. R. Civ. P. 65(a)(2).

IT IS HEREBY ORDERED AND ADJUDGED THAT:

- 1) Judgment is entered in favor of Plaintiffs State of Oregon, City of Portland and State of California, and against Defendants Donald Trump in his official capacity as President of the United States, Pete Hegseth in his official capacity as Secretary of Defense, the U.S. Department of Defense, Kristi Noem in her official capacity as Secretary of Homeland Security, and the U.S. Department of Homeland Security.
- 2) This Court **GRANTS** Plaintiffs’ declaratory relief. Defendants’ actions exceeded the scope of the President’s authority pursuant to Title 10, United States Code, Section 12406 and therefore were *ultra vires* and in violation of the Tenth Amendment.
- 3) This Court **GRANTS** Plaintiffs’ request for permanent injunctive relief.

This Court **PERMANENTLY ENJOINS** Defendants¹ Pete Hegseth, the U.S. Department of Defense, Kristi Noem, and the U.S. Department of Homeland Security from

¹ As this Court may lack jurisdiction to enjoin President Trump in the performance of his official duties, *see Franklin v. Massachusetts*, 505 U.S. 788, 802–03 (1992) (plurality opinion);

implementing the following memoranda federalizing and deploying members of the National Guard in Oregon:

1. Defendant Secretary Hegseth's September 28, 2025 Memorandum federalizing and deploying the Oregon National Guard, Ex. 1051;
2. Defendant Secretary Hegseth's October 5, 2025 Memorandum federalizing and deploying the Texas National Guard, to the extent that it deploys members of the Texas National Guard in Oregon, Ex. 6;
3. Defendant Secretary Hegseth's October 16, 2025 Memorandum to the extent that it authorizes the deployment of federalized members of the California and Texas National Guards to Oregon, Ex. 2; and
4. any memoranda deploying members of any other State's National Guard to Oregon based on the same predicate conditions that were relied upon to authorize the above orders.

This Court retains jurisdiction pursuant to the All Writs Act, 28 U.S.C. § 1651, to enforce the terms of this permanent injunction against any party.

This Court **STAYS IN PART** this Partial Final Judgment to the extent that it enjoins the federalization of members of any State's National Guard. With respect to the federalization of the Oregon National Guard, that **STAY** will be in effect for a period of 14 days. This partial administrative stay "preserves the status quo in which National Guard members have been federalized but not deployed." Order at 6, *Oregon v. Trump*, No. 25-6268, ECF 90 (9th Cir. Oct.

Mississippi v. Johnson, 71 U.S. (4 Wall.) 475, 501 (1866), this injunction applies only against the other Defendants.

30, 2025). However, with respect to the deployment of any state's National Guard to Oregon, based on any of the above orders, **THIS PERMANENT INJUNCTION ORDER IS IN FULL FORCE AND EFFECT.**

IT IS SO ORDERED.

DATED this 7th day of November, 2025.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge