

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 8 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STATE OF OREGON; CITY OF
PORTLAND; STATE OF CALIFORNIA,

Plaintiffs - Appellees,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
PETER HEGSETH, in his official capacity
as Secretary of Defense; UNITED STATES
DEPARTMENT OF DEFENSE; KRISTI
NOEM, in her official capacity as Secretary
of Homeland Security; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY,

Defendants - Appellants.

Nos. 25-6268, 25-7194

D.C. No.

3:25-cv-01756-IM

District of Oregon,
Portland

ORDER

MURGUIA, Chief Judge:

On November 19, 2025, this court administratively stayed the district court's November 7, 2025, permanent injunction to the extent that it enjoins the federalization of the Oregon National Guard. Dkt. No. 96. On December 29, 2025, this court issued an order directing the parties "to confer about the procedural next steps for this appeal" "[i]n light of the United States Supreme Court's denial of the federal government's application for a stay in *Trump v.*

Illinois, No. 25A443 (U.S. Dec. 23, 2025).” Dkt. No. 104. The order also directed the parties to “file either: (a) a joint proposal if agreement is reached or (b) separate proposals if no agreement is reached.” *Id.*

The parties filed their separate proposals on January 7, 2026. Dkt. Nos. 106 & 107. Defendants represented that “[w]ithout prejudice to any future arguments Defendants might make in this litigation, Defendants withdraw their request for a stay pending appeal and agree to dissolution of the administrative stay.” Dkt No. 107. Defendants also represented that “Oregon National Guard members are currently in transit to Fort Bliss, Texas, where they will demobilize, and that the demobilization process will take approximately 7-14 days to complete.”

The administrative stay entered by this court on November 19, 2025, Dkt. No. 96, is hereby VACATED.