

Case Summary: *Trump, President of the United States, et al. v. CASA, Inc. et al.*, Nos. 204A884, 204A885 & 204A886 (U.S. June 27, 2025)

Written by Aidan Kelly

Edited by Madeline Leonard & Maclain Conlin

(The views expressed are those of the author and do not necessarily represent the position of the Clemson Law Review or its leadership.)

On January 20th, President Donald J. Trump issued Executive Order 14160, seeking to limit the scope of birthright citizenship for children born in the U.S. to noncitizen parents.¹ The order directed federal agencies to restrict the recognition of birthright citizenship for children born to a mother “unlawfully present” in the United States or a father who was not a citizen or permanent resident at the time of the child’s birth.² In response to the executive order, the immigration advocacy group CASA Inc., joined by the Asylum Seeker Advocacy Project (ASAP) and five pregnant mothers, filed suit against President Trump, arguing that the order violated the Fourteenth Amendment’s Citizenship Clause, section 201 of the Nationality Act of 1940, and exceeded the powers granted to the executive branch under the Constitution.³

¹ *Trump v. CASA, Inc.*, Nos. 24884, 24885, & 24886, slip op. at 1 (U.S. June 27, 2025).

² *Id.* at 1 (quoting Exec. Order No. 14,160 § 2(a)(1)–(2), 90 Fed. Reg. 8449 (Jan. 20, 2025)) (“Specifically, it sets forth the ‘policy of the United States’ to no longer issue or accept documentation of citizenship in two scenarios: ‘(1) when [a] person’s father was not a United States citizen or lawful permanent resident . . . or (2) when [a] person’s mother’s presence in the United States was lawful but temporary, and the person’s father was not a United States citizen or lawful permanent resident at the time of said person’s birth.’”).

³ *Id.* at 3 (“The plaintiffs filed suit, alleging that the Executive Order violates the Fourteenth Amendment’s Citizenship Clause, §1, as well as §201 of the Nationality Act of 1940. . . .”).

District courts in Washington and New Jersey, among others, issued universal preliminary injunctions blocking the enforcement of the order against anyone. The Government filed three applications for partial stays, asking that the injunctions be limited to the parties. The Court of Appeals, in turn, denied the federal government's request to stay relief.⁴ After another appeal, the Supreme Court granted certiorari to decide whether federal courts have the authority to issue universal injunctions under the Judiciary Act of 1789.⁵

The Court ruled in a 6—3 decision delivered by Justice Barrett that federal courts lack the authority to issue universal injunctions. Looking to traditional equity practice, she determined that equitable remedies must be limited to the parties before the court.⁶ Consequently, federal courts have the power to remedy specific injuries but do not have the authority to supervise nationwide policy.

Justice Alito concurred, warning that federal courts must also rigorously enforce “the requirements for third-party standing and class certification” to prevent the “creat[ion] [of] a potentially significant loophole to [the Court’s] decision.”⁷

⁴ *Id.* at 3 (“In each case, the District Court concluded that the Executive Order is likely unlawful and entered a universal preliminary injunction barring various executive officials from applying the policy to *anyone* in the country. And in each case, the Court of Appeals denied the Government’s request to stay the sweeping relief.”) (emphasis in original).

⁵ *Id.* at 4 (“The issue before us is one of remedy: whether, under the Judiciary Act of 1789, federal courts have equitable authority to issue universal injunctions.”).

⁶ *Id.* at 11 (“Because the universal injunction lacks a historical pedigree, it falls outside the bounds of federal court’s equitable authority under the Judiciary Act.”).

⁷ *Id.* at 4 (Alito, J., concurring) (“Lax enforcement of the requirements for third-party standing and class certification would create a potentially significant loophole to today’s decision.”).

In a separate concurrence, Justice Thomas agreed that universal injunctions have no precedent set in the Judiciary Act of 1789. He further argued that the “complete relief” principle is a limit that does not permit equitable remedies which extend beyond the plaintiff’s individual injury.⁸ Both Justice Thomas and Justice Alito cautioned lower courts to follow the limits of equity and not overstep with broad injunctions.

Justice Kavanaugh agreed with the Court’s decision, emphasizing that district courts may only grant plaintiff-specific relief and laying out the role of the Supreme Court in determining the interim legal status of major federal policies, ensuring national uniformity in law.⁹

In dissent, Justice Sotomayor, argued that the executive order was “patently” unconstitutional and that the Court’s opinion improperly treated equity as a rigid system instead of one that can adapt to new circumstances.¹⁰

Justice Jackson wrote a separate dissenting opinion, emphasizing the danger that the ruling has on the American legal system. Notably, she claimed that the Court’s decision authorized a selective obedience to the Constitution, leaving

⁸ *Id.* at 3 (Thomas, J., concurring) (“[T]hey must ensure that any injunctions comport with both the complete-relief principle and other ‘principles of equity.’”).

⁹ *Id.* at 9 (Kavanaugh, J., concurring) (“One of this Court’s roles, in justiciable cases, is to resolve major legal questions of national importance and ensure uniformity of federal law. So a default policy of off-loading to lower courts the final word on whether to green-light or block major new federal statutes and executive actions for the several-year interim until a final ruling on the merits would seem to amount to an abdication of this Court’s proper role.”).

¹⁰ *Id.* at 31 (Sotomayor, J., dissenting) (“Such a result demonstrates the folly of treating equity as a closed system, rather than one designed to adapt to new circumstances.”).

executive power unchecked in this realm.¹¹ In her majority opinion, Justice Barrett responded to this objection by pointing out that federal courts are also obligated to follow the law, including the limitations of the Judiciary Act of 1789.¹²

The ruling that the Supreme Court set down in *Trump v. CASA, Inc.* will have a significant effect on lower courts' powers. In setting down a decision against universal injunctions, the Court is effectively barring district judges from halting nationwide federal policy, except for individual parties. Justice Kavanaugh's dicta notes that the Supreme Court is cementing itself as an emergency docket for enforcing uniformity of law. For lawyers seeking injunctive relief that extends to non—parties, they must now seek to fulfill the rigorous standards of Rule 23, or appeal to the Supreme Court for national review.

¹¹ *Id.* at 19 (Jackson, J., dissenting) (“What [good], really, is this system for protecting people’s rights if it amounts to this—placing the onus on the victims to invoke the law’s protection, and rendering the very institution that has the singular function of ensuring compliance with the Constitution powerless to prevent the government from violating it?”).

¹² *Id.* at 23 (“No one disputes that the Executive has a duty to follow the law. But the Judiciary does not have unbridled authority to enforce this obligation—in fact, sometimes the law prohibits the Judiciary from doing so. . . . Observing the limits on judicial authority—including, as relevant here, the boundaries of the Judiciary Act of 1789—is required by a judge’s oath to follow the law.”).