

Universal Injunctions and Trump v. CASA, Inc.

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UNIVERSAL INJUNCTIONS AND TRUMP V. CASA, INC.

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In Trump v. CASA, Inc. (decided June 27, 2025), the Supreme Court placed substantial limits on the ability of federal district court judges to issue "universal injunctions," which temporarily freeze enforcement of a federal policy for the entire nation. Instead, CASA ruled that these judges have authority to grant relief only to the plaintiff in a case or a class of plaintiffs. Though a win for President Trump in the short term, the ruling is also a victory for future presidents, since universal injunctions have been a punching bag for Republicans and Democrats alike for over twenty years. In this Court Report, Supreme Court expert [Brandon Bartels](#) explains the law and politics surrounding this issue and CASA's implications for the future.

What are Universal Injunctions?

An injunction is a court order that provides immediate relief to a plaintiff from having a policy or law enforced against him or her. To win such injunctive relief, a plaintiff must demonstrate that enforcement of a law or policy would violate statutory or constitutional law, would cause harm, and that these arguments would have a high likelihood of success at the merits stage. This last part is critical: Injunction cases do not fully address the underlying merits of a legal question, only whether courts find sufficient justification to freeze enforcement of a policy or law. Most injunctions like the one at issue in *Trump v. CASA, Inc.* are temporary. "Preliminary injunctions" or "temporary restraining orders" (TROs) are temporary freezes on enforcement of a law or policy until courts can hear and decide the case on the merits, e.g., whether a particular law or government action violates the Constitution.

At issue in the landmark *Trump v. CASA, Inc.* case is the use of universal injunctions (a.k.a., "nationwide injunctions"), which are preliminary injunctions (or TROs) issued by federal district court judges that freeze enforcement of a federal law or policy not only for the direct parties to the case but for the entire nation. The dispute centers on whether federal district courts, which are trial courts of first instance in the federal court system, possess such authority given their geographically limited jurisdiction and the nature of what is known as "equitable relief." In typical cases on the merits, a federal district court ruling is binding on the direct parties to the case. If that case is appealed to a regional federal court of appeals, and if such a court makes a precedential ruling on either statutory or constitutional law, that ruling is binding within the federal circuit (and on all district judges within that circuit). Since the Supreme Court sits at the apex of the federal judicial hierarchy, the Supreme Court's precedents are binding on the entire nation. Moreover, because the Supreme Court has jurisdiction over the entire country, it naturally has the authority to issue universal injunctions.

The question in *CASA* is whether federal district court judges (and a single judge at that) have this authority. Given the above discussion related to applicability of rulings depending on which level of the federal judicial hierarchy, it would seem contradictory for federal district courts to be able to issue decisions that are binding on the whole nation. On the other hand, a federal judge, regardless of the level, has a duty to say what the law is related to a particular dispute. For example, if a federal judge says that a law or policy violates the Constitution, perhaps that legal interpretation should apply to everyone, at least on a temporary basis until the case can be heard and decided on the merits. It seemingly serves as a check on politicians from advancing unlawful policies.

These competing considerations relate to the underlying concept of "equitable relief," which is governed by the 1789 Judiciary Act and at issue in *CASA*. While district courts generally have the authority to issue what is known as "complete relief" from a law or policy that would cause undue harm, does this "complete relief" extend to all individuals who are similarly positioned as the plaintiff in the case? Or does the relief apply exclusively to that single plaintiff? Equity in this context is a question of proportionality: How far does a district court judge's authority extend? This question begs another issue of class action suits, which could effectively approach universality as the size of the class increases.

A key distinction centers on federal versus state policies. *CASA* is solely about federal policies and law, including executive orders issued by the president. When it comes to state laws or policies, federal district courts (as well as the Courts of Appeals and the Supreme Court, of course) have the authority to issue injunctive relief to plaintiffs challenging for harm if the state law conflicts with federal statutory or constitutional law. In these situations, federal courts also use the Constitution's Supremacy Clause, which makes federal law superior to state law, as their authority.

The Political Context of Universal Injunctions and Trump's Executive Order on Birthright Citizenship

Perhaps the most important issue in *CASA* is the one the Court did not decide: Whether Trump's executive order banning birthright citizenship for children of parents who are in the United States illegally or temporarily violates the Constitution's Fourteenth Amendment. The Court did not address that question in *CASA* because the Trump administration did not bring that question to the Court. Instead, it asked the Court to answer whether federal district courts have the authority to issue universal injunctions against federal policies like Trump's executive order. The Trump administration's "backdoor method" of asking the Supreme Court to stop district court universal injunctions (instead of asking it to resolve the constitutional question of birthright citizenship) was the source of rigorous questioning of the Solicitor General at oral argument (from both conservative and liberal justices). It also drew the ire of Justices Sotomayor and Jackson in their dissenting opinions.

Multiple federal district court judges granted universal injunctions freezing enforcement of Trump's executive order given its presumptive unconstitutionality. But these injunctions were just the latest in a long-running saga of federal district courts issuing an increasing number of injunctions against presidential executive orders and policies in the past twenty-five years or so. According to a [Guardian analysis](#), courts issued six injunctions against President George W. Bush, twelve against President Obama, a whopping eighty-six against Trump in his first term, twenty-eight against President Biden, and thirty-five already just 158 days into Trump's second term (i.e., up through June 27, 2025).

With Trump pushing the limits of executive power, the spikes during his terms are not all that surprising. But in political context, these injunctions have become a punching bag for Republicans and Democrats alike over the years, with the president's copartisans arguing that runaway judges are thwarting the president's

agenda. Critics have also argued that universal injunctions incentivize a particular type of “forum shopping”—litigants target federal judges whom they predict will do their “bidding” (e.g., shopping for a conservative judge who will strike down a policy by a Democratic president). Data presented in the Guardian analysis support that effect. Moreover, universal injunctions are essentially a 20th century phenomenon, and their use picked up mainly in the second half of that century. Another question in *CASA* was whether universal injunctions are actually baked into the law.

CASA's Ruling

In *CASA*, the Court essentially answered the legal question in the case with a “No”—federal district court judges lack legal authority to issue universal injunctions. The Court draws on the 1789 Judiciary Act as the legal authority for determining equitable jurisdiction for federal district court judges. The Court split 6-3 on ideological and partisan lines and drew a vigorous back and forth between the justices in their opinions. Justice Barrett wrote the majority opinion and used a historical analysis to conclude that “universal injunctions are not sufficiently ‘analogous’ to any relief available in the court of equity in England at the time of the founding.” The majority opinion also finds that “the Court’s early refusals to grant relief to nonparties are consistent with the party-specific principles that permeate the Court’s understanding of equity.... In fact, universal injunctions were conspicuously nonexistent for most of the Nation’s history. Their absence from 18th and 19th century equity practice settles the question of judicial authority.”

Interestingly, the Court declares that “universal injunctions likely exceed the equitable authority that Congress has given to federal courts” (emphasis added). While the Court clearly vacates the district courts’ universal injunctions against Trump’s executive order, the tentative conclusion (“likely”) is due to the government asking the Court to issue a partial stay of the universal injunctions—that they should apply to the parties in each case but not the entire nation. The Court granted those partial stays, and the clear implication of the ruling is that federal district courts do not have the authority to issue universal injunctions against the enforcement of federal laws and policies.

Instead, district courts have authority to issue “complete relief” that is confined to the parties in the case only. However, the Court also opens the door to class action suits, which could theoretically tend toward “universality” as a class increases in size. The Court discusses “bills of peace” as a historical analogue to class action suits in the injunctive relief context. And district courts would have the authority, regulated by federal rules of civil procedure, to grant injunctive relief to a class (a large group of similarly harmed plaintiffs). Class action suits began to form soon after *CASA*. One can expect the incidence of such suits to increase as a result of *CASA*.

Conclusion and Implications

CASA settles a nagging legal question that has angered Republicans and Democrats alike over the past twenty-five years. Elected officials have complained that a single district court judge is thwarting the will of the American people. Proponents argue that since legal challenges to policies can take years to make their way to the Supreme Court, universal injunctions at the first level of the federal judiciary are the only way to check a president or politician who engages in unlawful behavior. But as Barrett’s *CASA* ruling declares, courts do not serve an oversight function for the executive branch.

The ruling certainly frees up presidents to implement certain policies in the short term without worrying that a federal judge will freeze enforcement in the short term. The ruling does mean that federal policies or executive orders of dubious legality will survive longer while challenges move their way up through the appeals process and eventually to the Supreme Court. On the other hand, the Court has shown a willingness (though sometimes more reluctantly) to hear a select number of challenges via its emergency docket, which can serve the same function as universal injunctions by district courts. After *CASA*, one might expect an increase in emergency requests to the Supreme Court to freeze enforcement of laws or policies whose legality is dubious.

Finally, as discussed, the ruling will almost surely spur more class action litigation at the federal district courts, with litigants building large classes within multiple federal districts courts seeking injunctive relief to these classes. Such a practice could bear some resemblance to universal injunctions as those classes increase in size and reach multiple district courts.

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