

No Relief for the Rest: The Supreme Court's Retreat from Universal Injunctions

“The zone of lawlessness the majority has now authorized will disproportionately impact the poor, the uneducated, and the unpopular.”¹

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I. The Executive Order and Judicial Response: A Clash Over Constitutional Authority.

On January 20, 2025, President Donald Trump issued Executive Order No. 14160, *Protecting the Meaning and Value of American Citizenship* (hereinafter “the Order”).³ The Order declared that United States citizenship does not extend to certain persons born on United States soil, specifically to children of mothers unlawfully or temporarily present and to fathers who are neither citizens nor lawful permanent residents.⁴ Following its issuance, three separate federal district courts entered nationwide injunctions⁵ against it.⁶ Collectively, the district courts reasoned that the Order is likely unlawful and entered universal preliminary injunctions barring various executive officials from applying the policy to anyone in the country.⁷ Each relied on the Judiciary Act of 1789, which endowed the federal courts with jurisdiction over “all suits . . . in equity” and continues to authorize equitable remedies today.⁸

The Ninth Circuit Court of Appeals denied the Government’s request to stay the injunctions, agreeing that only universal relief could fully redress the plaintiffs’ injuries.⁹ The

¹ Trump v. CASA Inc., 606 U.S. 831, 922 (2025) (Jackson, J., dissenting).

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³ See generally 90 FR 8449.

⁴ *Id.*

⁵ Nationwide injunctions, “refer to an injunction against the government that prevents it from implementing a statute, regulation or (more commonly now) executive order against *any* relevant persons or organizations *anywhere* in the country, whether they are actual parties to the litigation and even if relief could be limited to the parties actually before the court.” See John Yoo, *Ending Nationwide Injunctions*, AM. ENTER. INST. (May 15, 2025), <https://www.aei.org/articles/ending-nationwide-injunctions/>.

⁶ *CASA*, 606 U.S. at 838 (citing *CASA Inc. v. Trump*, 763 F. Supp. 3d 723, 746 (D. Md. 2025); *State v. Trump*, 765 F. Supp. 3d 1142, 1154 (W.D. Wash. 2025); *Doe v. Trump*, 766 F. Supp. 3d 266, 290 (D. Mass. 2025)).

⁷ *Id.*

⁸ *Id.* at 841 (quoting The Judiciary Act of 1789 § 11, 1 Stat. 78).

⁹ *Id.*

Government appealed, arguing that these universal injunctions were too broad and exceeded the courts' authority.¹⁰ The Government requested that the Supreme Court stay these injunctions to allow the Government to continue with internal planning for the Order's implementation.¹¹

In *Trump v. CASA Inc.*, the Supreme Court declined to address the Order's constitutionality, holding instead that universal injunctions require a "founding-era antecedent."¹² The Court reasoned that neither universal injunctions nor a sufficiently comparable predecessor were available from a court of equity at the time of our country's inception.¹³ More specifically, federal judges lack the constitutional authority to issue universal injunctions, since such sweeping remedies were unknown in early American legal tradition.¹⁴ Therefore, the Court granted the Government's applications for a partial stay of the injunctions entered, but only to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue.¹⁵

II. Implications for Ordinary Plaintiffs and the Future of Equitable Relief.

The *CASA* precedent significantly limits district courts' power to issue universal injunctions.¹⁶ Federal courts may now issue injunctions necessary to provide complete relief to the plaintiffs before the court, not to nonparties, unless broader relief is required for complete redress.¹⁷ For instance, out of the 127 universal injunctions issued between 1963 and 2023, 96 were issued during the administrations of President George W. Bush, President Obama, President

¹⁰ *CASA*, 606 U.S. at 838 (citing *CASA Inc. v. Trump*, 763 F. Supp. 3d 723, 746 (D. Md. 2025); *State v. Trump*, 765 F. Supp. 3d 1142, 1154 (W.D. Wash. 2025); *Doe v. Trump*, 766 F. Supp. 3d 266, 290 (D. Mass. 2025)).

¹¹ *Id.* at 838.

¹² *Id.* at 847 (resting on the Court's holding in *Grupo Mexicano*; that a modern legal device must have a founding-era antecedent; but not necessarily an exact historical match).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *CASA*, 606 U.S. at 861.

¹⁶ Mila Sohoni, *Trump v. CASA and the future of the universal injunction*, SCOTUSBLOG (July 2, 2025), <https://www.scotusblog.com/2025/07/trump-v-casa-and-the-future-of-the-universal-injunction/> (quoting J. Kavanaugh).

¹⁷ *Id.*

Trump, and President Biden.¹⁸ The Court therefore opined that the universal injunction was “conspicuously nonexistent” for most of our nation’s history.¹⁹ Its absence throughout the eighteenth and nineteenth centuries of our nation’s history questions judicial authority, and thus is a recent development not backed by any precedent.²⁰

III. Consequences for Individual Plaintiffs and Class Actions.

This shift carries profound consequences for ordinary plaintiffs seeking relief from federal policies.²¹ Without the availability of nationwide injunctions, individuals who are similarly situated to successful plaintiffs will no longer automatically benefit from a court’s ruling.²² Instead, each person must initiate separate litigation to obtain the same protection, even where the policy’s illegality or unconstitutionality has already been established.²³ Eliminating nationwide injunctions requires plaintiffs nationwide to file repetitive suits in the same few venues, especially where favorable precedent already exists.²⁴ This outcome not only increases litigation costs and delays relief, but also burdens the courts and undermines the accessibility Congress envisioned when it sought to decentralize challenges to federal executive action.²⁵

Although the *CASA* decision continues to leave open the possibility of class actions under Rule 23 of the Federal Rules of Civil Procedure,²⁶ the results of a class action suit will be the

¹⁸ *CASA*, 606 U.S. at 845.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Cassandra Burke Robertson, *Rethinking Preliminary Injunctions After Trump v. CASA*, 112 THE ADVOCATE 21, 21 (2025).

²² Sohoni, *supra* note 16.

²³ Kate Huddleston, *Nationwide Injunctions: Venue Considerations*, 127 YALE L.J. F. 242, 247 (2017), <http://www.yalelawjournal.org/forum/nationwide-injunctions-venue-considerations>.

²⁴ *Id.*

²⁵ *The Impact of Casa v. Trump: State Attorney General are now the Most Powerful Defenders and the Rule of Law*, LEADERSHIP CENTER FOR ATTORNEY GENERAL STUDIES, <https://agstudies.org/publications/the-impact-of-casa-v-trump-state-attorneys-general-are-now-the-most-powerful-defenders-of-rights-and-the-rule-of-law/> (last visited Oct. 16, 2025).

²⁶ *See generally* Fed. R. Civ. P. 23 (governing rules and procedures, pertaining to class action lawsuits).

broadest option for injunctive relief available to plaintiffs.²⁷ In response to the *CASA* decision, the district court in *Barbara v. Trump* structured its injunction to comply with the Court's limitation on universal relief.²⁸ In *Barbara*, the United States District Court for the District of New Hampshire certified the individuals as a class before granting the petitioners a preliminary injunction.²⁹ The district court noted that the preliminary injunction it issued applied only to the certified class of individuals, to ensure compliance with the *CASA* decision.³⁰ The ruling focused on the "narrower class" by granting relief to the children that would ultimately be affected by the Order, because they are subject to the specific claims in the complaint and meet Rule 23(a)'s requirements for commonality and typicality.³¹ Accordingly, relief was granted only to the named parties with standing to sue and to the certified class of children.³²

As *Barbara* demonstrates, the district courts' power to issue nationwide injunctions generally applies only to parties before the court.³³ Therefore, this may allude to an influx of individualized litigation because, unless an individual is a party to a class action, a similarly situated individual will need to file their own respective suit to obtain relief.³⁴ Ultimately, this could lead to a flood of lawsuits seeking individualized relief filed in district courts nationwide, which is an outcome that is often costly or impractical for ordinary plaintiffs.³⁵

²⁷ Amy Howe, *Supreme Court sides with Trump administration on nationwide injunctions in birthright citizenship case*, SCOTUSBLOG (Jun. 27, 2025), <https://www.scotusblog.com/2025/06/supreme-court-sides-with-trump-administration-on-nationwide-injunctions-in-birthright-citizenship-case/>.

²⁸ See generally *Barbara v. Trump*, 790 F. Supp. 3d 80 (D. N.H. 2025) (following the Supreme Court's order in the *CASA* decision, where injunctive relief applied only to the children of plaintiff mothers).

²⁹ *Id.*

³⁰ *Id.* at 93-94.

³¹ *Id.* at 91-92 (reasoning that children denied citizenship will suffer all the same injury collectively).

³² *Id.* at 105.

³³ *Barbara*, 790 F. Supp. 3d at 99 (following the Supreme Court's order in the *CASA* decision, where injunctive relief applied only to the children of plaintiff mothers).

³⁴ Burke Robertson, *supra* note 21 at 22 (noting that plaintiffs must now front-load demanding class-certification process to seek broad relief, a shift that favors well-sourced litigants and burdens smaller organizations or individuals lacking resources).

³⁵ David Marcus, *The Class Action After Trump v. CASA*, 73 UCLA L. REV. DISCOURSE 4, 6 (2025) (discussing that low-income individuals lack adequate access to counsel); see also Huddleston, *supra* note 23, at 248 (discussing how the injunction was designed to limit a "flood of duplicative litigation.").

IV. The Post-CASA Landscape: Limited Check on Executive Power.

The dissent in *CASA* warned that there will likely be a more prominent policy swing because of the limited ability to use universal injunctions to stop or pause rule changes issued by the executive branch.³⁶ Executive agencies will likely have more freedom to implement sweeping changes even as legal challenges unfold.³⁷ Nationwide injunctions were previously effective at preventing irreparable harm.³⁸ However, it now seems unlikely that federal courts can restrain the executive branch during the early stages of implementation to prevent such harm.³⁹ In *Barbara*, the court reasoned that injunctive relief was appropriate because it would only maintain the status quo during the litigation and at most delay the Order's implementation.⁴⁰ Conversely, the respondents' desired course of action would reverse a nationally recognized government policy and affect thousands of families.⁴¹ While this provides a check on the executive, it only takes effect when the parties are presented to the court and joined in a class action lawsuit.⁴² Therefore, these future checks on executive legislation will be limited in scope.⁴³

Notably, the concurrence in *CASA* acknowledged that in some circumstances, broad relief may be appropriate if it is required to afford complete relief to the plaintiffs, "but such cases are by far the exception" rather than the rule.⁴⁴ Conversely, the dissenting opinion warned that

³⁶ *CASA*, 606 U.S. at 922 (Jackson, J., dissenting)

³⁷ Mila Sohoni, *Trump v. CASA and the Future of the Universal Injunction*, STAN. L. SCH. (July 15, 2025), <https://law.stanford.edu/2025/07/15/trump-v-casa-and-the-future-of-the-universal-injunction/> (acknowledging that federal courts now cannot issue universal injunctions as a check on the executive branch to anyone harmed).

³⁸ *District Court Reform: Nationwide Injunctions*, 127 HARV. L. REV. 1701, 1718 (2024).

³⁹ *CASA*, 606 U.S. at 922 (Jackson, J., dissenting) (stating that the "executive has the prerogative to take or leave the law as it wishes, and where individuals would otherwise be entitled to the law's protection become subject to the Executive's whims instead.").

⁴⁰ *Barbara*, 790 F. Supp. 3d at 99.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *CASA*, 606 U.S. at 865 (Thomas, J., concurring) (citing *Trump v. Hawaii*, 585 U.S. 667, 717 (2018) (Thomas, J., concurring) (describing the possibility of circumstances where cases will require indivisible remedies that are complete and sweeping).

limiting injunctions to only the named plaintiffs would create a “zone of lawlessness,” allowing the executive branch to infringe upon constitutional rights for anyone who has not yet sued.⁴⁵ Specifically, Justice Jackson stated that the majority decision will “impact the poor, the uneducated, and the unpopular—*i.e.*, those who may not have the wherewithal to lawyer up, and will all too often find themselves beholden to the Executive’s whims.”⁴⁶ In turn, this decision leaves little doubt that *Trump v. CASA Inc.* disproportionately harms those least able to litigate individually, undermining equal access to constitutional relief.⁴⁷

V. Conclusion: Narrowed Remedies and the Reshaping of Equitable Relief.

The Supreme Court’s decision in *Trump v. CASA Inc.* limits federal courts from issuing universal injunctions, allowing such relief only when necessary to redress the parties before the court. Consequently, nonparties may face unconstitutional policies until they initiate their own suits or class actions. While class actions remain a pathway to broader relief, they are resource-intensive and rarely provide timely protection. Ultimately, this decision confines remedies to plaintiffs themselves, reshaping how constitutional claims against federal policies proceed.

⁴⁵ *Id.* at 922 (Jackson, J., dissenting).

⁴⁶ *Id.* at 934.

⁴⁷ *Id.* at 922 (Jackson, J., dissenting).