



THE BENCHMARKLINE

The Federal Courts

The Supreme Court

The lower federal courts are continuing to play a crucial role in checking President Trump's aggressive and unprecedented use of presidential power. However, this week, Trump found an ally in the Supreme Court's conservative majority, which has largely supported his extreme agenda. Several of the decisions were made through the Court's emergency docket, often called the "shadow docket."

**THE SUPREME COURT'S
SHADOW MOVES**

LAST WEEK
Froze DEI grants for schools and universities

MONDAY
Reversed ruling blocking deportations without due process

TUESDAY
Blocked reinstatement of fired federal workers

“
The government's conduct...
poses an **extraordinary threat** to the rule of law.
JUSTICE SOTOMAYOR

Last week, the Court sided with the Trump administration in its effort to **freeze Department of Education grants** to public schools and universities that were related to diversity, equity, and inclusion initiatives.

On Monday, the Supreme Court **reversed a lower court ruling** that had blocked the removal of men who had been denied due process and deported to El Salvador without any notice to them or their families. Justice Jackson highlighted the historic nature of the ruling and **expressed concern** about the growing trend of the Court making significant decisions on the shadow docket without thorough briefings or oral arguments. Justice Sotomayor sounded the alarm in her **dissent**, writing that "The Government's conduct...poses an extraordinary threat to the rule of law."

On Tuesday, the Supreme Court **blocked an order** requiring the Trump administration to reinstate thousands of federal employees who had been fired in mass layoffs.

In just two weeks, the Court's conservative majority, led by Chief Justice Roberts, has shown its dogged loyalty to this unruly administration by short-circuiting the normal judicial process to overrule federal judges who have slowed down Trump's disruptive and chaotic agenda.

Just last month, Roberts **released a statement** urging the administration to use the appeals process instead of impeachment, which many interpreted as a defense of an independent judiciary. However, it is clear now that he was signaling to Trump that the Supreme Court has his back as he marches the United States towards authoritarianism.

Congress

Senate Judiciary Committee

This week, the Senate Judiciary Committee (SJC) voted along party lines on one of Trump's Department of Justice nominees, Patrick Davis, who was nominated to be Assistant Attorney General for the Office of Legislative Affairs. The committee held over the nominations of John Eisenberg for Assistant Attorney General for National Security and Brett Shumate for Assistant Attorney General for the Civil Division, who will likely be subject to an SJC vote after recess. AFJ opposes all three DOJ nominees, believing that, like many of Trump's executive appointments, they prioritize loyalty to Trump over the Constitution and the best interests of America's communities.

AFJ submitted a formal **letter of opposition to Shumate**. His statements and ideology are deeply troubling and would severely hinder the ability of federal agencies to function effectively and serve the public interest.



House of Representatives

Trump and his allies have repeatedly leveled baseless **criticism and threats** of impeachment against district court judges who do not rubber-stamp the administration's unprecedented and increasingly unconstitutional actions. Recently, House Speaker Mike Johnson suggested the extremist idea of **eliminating or defunding entire federal courts** that rule against the Trump administration.

Ironically, given Johnson's comments about eliminating the federal courts, Republicans simultaneously re-introduced the JUDGES Act, which would grant Trump more than 20 new judicial appointments to immediately fill. The JUDGES Act is a blatant GOP attempt to weaponize access to justice by increasing Trump's influence over the federal judiciary and installing extreme far-right activist judges. Meanwhile, House Republicans continue to propose legislation that would weaken the federal courts' ability to check his power through legislation like the **No Rogue Rulings Act (NORRA)**.

HOLDING

THE BENCHLINE

This week, [federal judges in New York and Texas](#) are Holding the Benchline. The district court judges have issued rulings to halt the deportation of Venezuelan plaintiffs who are challenging Trump's use of the wartime-era Alien Enemies Act. The Trump administration has been using this law to deport alleged "gang members" without due process.

The rulings come in emergency lawsuits that were filed after the Supreme Court sided with Trump on the issue earlier in the week.

While the Supreme Court supported Trump in several of his most controversial actions this past week, even its conservative majority couldn't back the Trump administration's unlawful refusal to address the [wrongful deportation of Kilmar Abrego Garcia](#) – a Maryland father who was forced to remain in a "mega-prison" in El Salvador due to an "administrative mistake" by the administration. Yesterday, in a [9-0 decision](#), they affirmed a district court order to have Mr. Garcia returned to the United States.

As the fight for justice continues, we hope the Supreme Court will stand with the lower courts in Holding the Benchline – affirming that no one, not even a president, is above the law.

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