

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Citizens for Responsibility and Ethics in Washington v. U.S.
Department of Justice

Civil Case No. 26-1789 (RJL) (D.D.C. June 23, 2026) · No. Civil Case No. 26-1789 (RJL) · Decided June 23, 2026

SUMMARY

The U.S. District Court for the District of Columbia denied CREW’s motion for a stay under 5 U.S.C. § 705 and for a preliminary injunction concerning the Department of Justice’s Anti-Weaponization Fund. The court concluded that the Government’s representations that it would not proceed with the Fund likely rendered the dispute moot and, alternatively, that CREW’s claims were not ripe for review. The opinion also addressed voluntary cessation, the presumption of regularity, and the absence of effective prospective relief.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Richard J. Leon
JURISDICTION	U.S. District Court for the District of Columbia
DECIDED	June 23, 2026
DOCKET	Civil Case No. 26-1789 (RJL)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a stay under 5 U.S.C. § 705 and a preliminary injunction barring implementation of the Anti-Weaponization Fund. The court denied the motion because the dispute was likely moot or, alternatively, not ripe for judicial review.
STANDARD OF REVIEW	A preliminary injunction requires a clear showing that the plaintiff is likely to succeed on the merits, likely to suffer irreparable harm, that the balance of equities favors relief, and that an injunction is in the public interest. The same factors govern a stay under 5 U.S.C. § 705. The court independently assessed Article III justiciability, including mootness and ripeness.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia but not binding on other courts.

TOPICS

judicial review of agency action

administrative procedure act

administrative law

injunctions

constitutional law

PRACTICE AREAS

administrative law

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civil procedure

remedies

federal spending

QUESTIONS PRESENTED

1. Whether CREW's request for a stay under 5 U.S.C. § 705 and a preliminary injunction was moot because the government had abandoned implementation of the Anti-Weaponization Fund.
2. Whether the voluntary-cessation exception to mootness applied despite the continued existence of the Fund's settlement agreement and May 18 order.
3. Whether CREW's claims were ripe for judicial review where implementation of the Fund was uncertain and depended on contingent future events.
4. Whether CREW demonstrated entitlement to a stay or preliminary injunction.

HOLDINGS

1. The government's unequivocal representations that it would not proceed with the Anti-Weaponization Fund, together with the absence of clear contrary evidence, established that CREW was likely no longer suffering a legally cognizable injury and that the court could provide no effective relief.
2. The continued abstract existence of the settlement agreement and May 18 order did not prevent mootness because CREW failed to identify an ongoing concrete injury or effective relief that the court could provide.
3. In the alternative, CREW's challenge was not ripe because the Fund was only a prospective and undefined framework whose implementation, timing, form, and consequences were uncertain.

KEY QUOTATIONS

"Applying our Circuit's presumption-of-regularity precedent to these statements by Government officials, and in the absence of any evidence to the contrary, I must take the Government at its word and thus find this case is likely moot." (1)

"the Government must show that it is "absolutely clear the allegedly wrongful behavior could not reasonably be expected to recur" for the case to be moot." (6)

"To say the least, this case presents the paradigmatic example of a dispute with "significant uncertainty" about whether the challenged framework will be implemented at all, and if so, in what form, on what timeline, and with what concrete consequences to the parties!" (13)

FACTUAL BACKGROUND

The DOJ entered into a May 18, 2026 settlement agreement that established an Anti-Weaponization Fund intended to compensate individuals claiming harm from government targeting or weaponization. CREW challenged the Fund, alleging violations of separation of powers, the APA, statutory authority, the First Amendment, and the arbitrary-and-capricious standard. During a congressional hearing and in court proceedings, Acting Attorney General Todd Blanche and government counsel stated that the DOJ would not proceed with the Fund. CREW relied partly on the continued existence of the settlement agreement and May 18 order, while the government represented that no Fund-related records or implementation would occur.

PROCEDURAL HISTORY

The Department of Justice announced the creation of a \$1.776 billion Anti-Weaponization Fund on May 18, 2026. CREW filed suit on May 22, 2026, asserting constitutional, Administrative Procedure Act, statutory-authority, and arbitrary-and-capricious claims, and later moved for a temporary restraining order, a § 705 stay, and a preliminary injunction. After the Acting Attorney General represented to Congress and the court that the Fund would not proceed, the court denied the TRO as likely moot and then denied the remaining request for a stay and preliminary injunction.

DISPOSITION

other

CASES CITED

- Trump v. IRS, No. 26-cv-20609 (S.D. Fla. Jan. 26, 2026)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Global Health Council v. Trump, 153 F.4th 1, 12 (D.C. Cir. 2025)
- District of Columbia v. U.S. Dep't of Agric., 444 F. Supp. 3d 1, 15 (D.D.C. 2020)
- TikTok Inc. v. Garland, 122 F.4th 930, 947 (D.C. Cir. 2024)
- National Public Radio, Inc. v. Trump, 2026 WL 877434, at *11 (D.D.C. Mar. 31, 2026)
- National Treasury Employees Union v. United States, 101 F.3d 1423, 1427 (D.C. Cir. 1996)
- United Motorcoach Ass'n, Inc. v. Welbes, 614 F. Supp. 2d 1, 8 (D.D.C. 2009)
- Planned Parenthood of Wis., Inc. v. Azar, 942 F.3d 512, 516 (D.C. Cir. 2019)
- Powell v. McCormack, 395 U.S. 486, 496 (1969)
- Mejia-Mejia v. U.S. Immigr. & Customs Enf't, 2019 WL 4707150, at *6 (D.D.C. Sept. 26, 2019)
- Public Citizen v. Fed. Energy Regul. Comm'n, 92 F.4th 1124, 1128 (D.C. Cir. 2024)
- Citizens for Resp. & Ethics in Wash. v. Wheeler, 352 F. Supp. 3d 1, 13-14 (D.D.C. 2019)
- Porup v. Cent. Intelligence Agency, 997 F.3d 1224, 1232-33 (D.C. Cir. 2021)
- American Federation of Government Employees, AFL-CIO v. Brown, 866 F. Supp. 16, 19 (D.D.C. 1994)
- Kupperman v. U.S. House of Representatives, 436 F. Supp. 3d 186, 192-93 (D.D.C. 2019)
- Federal Bureau of Investigation v. Fikre, 601 U.S. 234, 242 (2024)
- Sossamon v. Lone Star State of Tex., 560 F.3d 316, 325 (5th Cir. 2009)

- *Mass. Coal. for Immigr. Reform v. U.S. Dep't of Homeland Sec.*, 800 F. Supp. 3d 134, 140 (D.D.C. 2025)
- *Chang v. United States*, 2023 WL 8697831, at *11, *16 (D.D.C. Dec. 15, 2023)
- *City of Los Angeles v. Lyons*, 461 U.S. 95, 101-02 (1983)
- *National Council of Nonprofits v. Off. of Mgmt. & Budget*, 775 F. Supp. 3d 100, 120 (D.D.C. 2025)
- *National Ass'n of Home Builders v. U.S. Army Corps of Eng'rs*, 440 F.3d 459, 463-64 (D.C. Cir. 2006)
- *Cobell v. Jewell*, 802 F.3d 12, 21 (D.C. Cir. 2015)
- *Friends of Animals v. Pendley*, 523 F. Supp. 3d 39, 58-59, 63 (D.D.C. 2021)
- *Friends of Animals v. U.S. Bureau of Land Mgmt.*, 514 F. Supp. 3d 290, 305 (D.D.C. 2021)
- *League of United Latin Am. Citizens v. Exec. Off. of the President*, 818 F. Supp. 3d 34, 79 (D.D.C. 2026)
- *Trump v. New York*, 592 U.S. 125, 132 (2020)
- *Common Cause v. Trump*, 506 F. Supp. 3d 39, 47-53 (D.D.C. 2020)
- *Friends of Animals v. Haugrud*, 236 F. Supp. 3d 131, 135 (D.D.C. 2017)
- *Cronin v. FAA*, 73 F.3d 1126, 1133 (D.C. Cir. 1996)
- *Harris v. F.A.A.*, 353 F.3d 1006, 1012 (D.C. Cir. 2004)
- *Asante v. Azar*, 436 F. Supp. 3d 215, 226 (D.D.C. 2020)
- *Floyd v. DOJ*, No. 1:26-cv-1399-LMB/IDD (E.D. Va. May 29, 2026)