

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Center for Biological Diversity v. Raimondo

Raimondo · No. 22-cv-00117-JD · Decided October 24, 2025

SUMMARY

The United States District Court for the Northern District of California denied the government’s request to stay deadlines under a settlement agreement requiring development of a humpback whale take reduction plan. The court concluded that the government had not shown sufficient grounds for an indefinite stay and that a Department of Commerce shutdown-plan exception for protecting protected species resources applied to the circumstances.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	James Donato
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 24, 2025
DOCKET	22-cv-00117-JD
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to stay deadlines in an approved settlement agreement requiring the National Marine Fisheries Service to establish a humpback-whale take reduction team and hold its initial meeting. The court denied the stay.
STANDARD OF REVIEW	The court applied the discretionary four-factor standard for stays: likelihood of success on the merits, irreparable injury absent a stay, substantial injury to other interested parties, and the public interest. It also applied the Ninth Circuit's requirement that a stay be denied when the applicant fails to meet the applicable irreparable-harm threshold and the general rule that stays should not be indefinite.
PRECEDENTIAL VALUE	unpublished district court order; persuasive rather than precedential

TOPICS

- injunctions
- endangered species act
- environmental law
- administrative law
- civil procedure

PRACTICE AREAS

environmental law

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the government established sufficient grounds for a stay of the settlement agreement's take-reduction-plan deadlines during a lapse in appropriated funds.
2. Whether the Department of Commerce shutdown plan's exception for monitoring protected-species trust resources and taking necessary regulatory action applied to NMFS's obligation to develop a humpback-whale take reduction plan.
3. Whether the requested stay was impermissibly indefinite.

HOLDINGS

1. The government was not entitled to a stay because it failed to address or satisfy the controlling stay standards and did not establish good grounds for the requested relief.
2. The government failed to demonstrate that the shutdown-plan exception for monitoring protected-species trust resources and taking necessary regulatory action should be disregarded.
3. The requested stay could not be granted because it was indefinite in nature and the government did not establish grounds sufficient to justify such relief.

KEY QUOTATIONS

“Our circuit has “underscored ‘the bedrock requirement that stays must be denied to all petitioners who did not meet the applicable irreparable harm threshold, regardless of their showing on the other stay factors.’”
(at 2)

“This is circular reasoning. The government’s construction of “monitoring” is arbitrary and self-serving, and wholly at odds with the requirements of the MMPA, the Endangered Species Act, and the Court’s conclusions in the summary judgment order.” (at 3)

“Consequently, a stay is denied. The provisions of the settlement agreement remain in full and active force.”
(at 3)

FACTUAL BACKGROUND

The Endangered Species Act and Marine Mammal Protection Act protect humpback whales, and the court had previously determined that NMFS could not indefinitely delay developing a take reduction plan while continuing to authorize incidental take permits. The approved settlement required NMFS to establish a take reduction team by October 31, 2025, and hold an initial meeting by November 30, 2025. Following a lapse in appropriated funds, the government sought a stay and asserted that NMFS employees were prohibited from working, but the Department of Commerce shutdown plan included an exception for monitoring protected-species trust resources and taking necessary regulatory action to avoid irreparable harm.

PROCEDURAL HISTORY

On March 14, 2023, the court granted summary judgment for Center for Biological Diversity, holding that defendants could not indefinitely delay development of a take reduction plan while continuing to authorize incidental takes of humpback whales. The parties later entered a settlement agreement, which the court approved and which imposed deadlines for establishing a take reduction team. After a lapse in appropriated funds, the government sought a stay of those deadlines; the court denied the request.

DISPOSITION

other

CASES CITED

- Center for Biological Diversity v. Raimondo, 661 F. Supp. 3d 964, 967-68, 971 (N.D. Cal. 2023)
- Nken v. Holder, 556 U.S. 418, 426, 433-34 (2009)
- In re Facebook Biometric Info. Priv. Litig., No. 3:15-CV-03747-JD, 2018 WL 2412176, at *1 (N.D. Cal. May 29, 2018)
- Leiva-Perez v. Holder, 640 F.3d 962, 965 (9th Cir. 2011)
- Dependable Highway Express, Inc. v. Navigators Insurance Co., 498 F.3d 1059, 1066 (9th Cir. 2007)

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