

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Phang v. Blanche

Phang · No. Civil Action No. 26-1417 (EGS) · Decided June 25, 2026

SUMMARY

In this memorandum opinion, the U.S. District Court for the District of Columbia addresses Katie Phang’s motion for a preliminary injunction against the Acting Attorney General concerning alleged noncompliance with the Epstein Files Transparency Act. The court concludes that Phang likely may proceed under the Administrative Procedure Act and likely has informational and economic injuries supporting Article III standing. The excerpt states that the court grants the motion and begins analyzing the requested disclosures, redactions, foreign-language materials, and publication of a redaction log.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Emmet G. Sullivan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	June 25, 2026
DOCKET	Civil Action No. 26-1417 (EGS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a preliminary injunction under the Administrative Procedure Act, the ultra vires doctrine, and the Declaratory Judgment Act based on alleged violations of the Epstein Files Transparency Act. The court considered plaintiff’s motion for preliminary injunction and granted it.
STANDARD OF REVIEW	A preliminary injunction requires a clear showing that the movant is likely to succeed on the merits, likely to suffer irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. The court discussed both the D.C. Circuit’s sliding-scale approach and the possibility that Winter requires a showing on all four factors. Jurisdictional issues, including standing and APA reviewability, were evaluated at the preliminary-injunction stage under a likelihood standard.
PRECEDENTIAL VALUE	published

PARTIES

Katie Phang v. Todd Blanche, in his official capacity as Acting Attorney General of the United States

TOPICS

administrative procedure act judicial review of agency action administrative law injunctions
statutory interpretation

PRACTICE AREAS

administrative law civil procedure constitutional law statutory interpretation remedies

QUESTIONS PRESENTED

1. Whether the Administrative Procedure Act provides Phang a cause of action to challenge the Attorney General's alleged violations of the Epstein Files Transparency Act even though that Act does not expressly create a private right of action.
2. Whether Phang likely established Article III standing through informational and economic injuries.
3. Whether the Freedom of Information Act provides an adequate alternative remedy that bars APA review or defeats the APA waiver of sovereign immunity.
4. Whether Phang was likely to succeed on claims that the Attorney General violated the Epstein Files Transparency Act by redacting specified names, withholding specified FBI interview materials, failing to review or produce foreign-language materials, and failing to publish the required redaction log.
5. Whether Phang established irreparable harm, favorable equities, and a public interest sufficient to warrant a preliminary injunction.
6. Whether the court should require a substantial injunction bond or stay the preliminary relief.

HOLDINGS

1. The Administrative Procedure Act provides Phang a right of action to seek judicial review of the Attorney General's alleged final agency action under the Epstein Files Transparency Act, notwithstanding the absence of an express private right of action in that Act.
2. Phang likely established Article III standing through informational injury and economic injury that were traceable to the alleged statutory violations and redressable by an order requiring compliance.
3. The Freedom of Information Act does not provide an adequate remedy that precludes Phang's APA claims because FOIA is materially different from the Epstein Act and likely would not provide the requested unredacted records, foreign-language review, or redaction log.
4. Phang was likely to succeed on the merits of the statutory compliance claims presented in her preliminary-injunction motion concerning specified redactions, withheld materials, foreign-language records, and the redaction log.
5. Phang satisfied the preliminary-injunction requirements because she showed likely success, irreparable informational and economic harm, favorable equities, and a public interest in compelling compliance

with federal law.

6. A nominal \$1.00 injunction bond was appropriate because a larger bond would burden access to judicial review and the government did not show significant costs or damages from the preliminary relief.

KEY QUOTATIONS

“The APA, by its terms, provides a right to judicial review of all final agency action for which there is no other adequate remedy in a court, § 704, and applies universally except to the extent that—(1) statutes preclude judicial review; or (2) agency action is committed to agency discretion by law, § 701(a).” (17-18)

“The Epstein Act requires “robust” disclosure of information by the government to the public.” (24-26)

“There is no competing harm to the government with the issuance of preliminary relief that orders compliance with . . . statutes and the Constitution” (44-45)

FACTUAL BACKGROUND

Congress enacted the Epstein Files Transparency Act, requiring the Attorney General to make publicly available a searchable and downloadable database containing covered unclassified Department of Justice records, subject to specified withholding grounds and accompanying redaction justifications. The Department produced approximately 3.5 million pages but acknowledged that it had withheld or redacted materials based on privileges, had not reviewed foreign-language materials, and had not published the required redaction log. Katie Phang, an attorney and independent journalist who reports extensively on the Epstein files, alleged that the omissions and redactions impaired her reporting and caused informational and economic injuries.

PROCEDURAL HISTORY

Phang filed the complaint on April 27, 2026, alleging that the Acting Attorney General failed to comply with the Epstein Files Transparency Act. She filed a motion for preliminary injunction on May 28, 2026, seeking relief concerning allegedly unlawful redactions, withheld FBI interview notes, foreign-language materials, and the required redaction log. The government opposed the motion, and Phang replied. The court concluded that the motion was ripe, found that the preliminary-injunction factors favored Phang, and granted the motion.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7 (2008)
- Aamer v. Obama, 742 F.3d 1023, 1038 (D.C. Cir. 2014)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Davis v. Pension Benefit Guaranty Corp., 571 F.3d 1288, 1291-92 (D.C. Cir. 2009)
- Holmes v. FEC, 71 F. Supp. 3d 178, 183 n.4 (D.D.C. 2014)
- Sherley v. Sebelius, 644 F.3d 388, 393 (D.C. Cir. 2011)

- *ConverDyn v. Moniz*, 68 F. Supp. 3d 34, 46 n.2 (D.D.C. 2014)
- *Changji Esquel Textile Co. v. Raimondo*, 40 F.4th 716, 726 (D.C. Cir. 2022)
- *Hanson v. District of Columbia*, 120 F.4th 223, 243, 246 (D.C. Cir. 2024)
- *Bennett v. Spear*, 520 U.S. 154, 175 (1997)
- *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 157-58 (2014)
- *Clapper v. Amnesty International USA*, 568 U.S. 398, 408 (2013)
- *Raines v. Byrd*, 521 U.S. 811, 818 (1997)
- *Lujan v. National Wildlife Federation*, 504 U.S. 555, 560-61 (1990)
- *Jibril v. Mayorkas*, 2023 WL 2240271, at *4 (D.D.C. Feb. 27, 2023)
- *Haase v. Sessions*, 835 F.2d 902, 906 (D.C. Cir. 1987)
- *American Society for the Prevention of Cruelty to Animals v. Feld Entertainment, Inc.*, 659 F.3d 13, 22 (D.C. Cir. 2011)
- *Campaign Legal Center v. FEC*, 31 F.4th 781, 783 (D.C. Cir. 2022)
- *Friends of Animals v. Jewell*, 828 F.3d 989, 992 (D.C. Cir. 2016)
- *FEC v. Akins*, 524 U.S. 11, 20-25 (1998)
- *Public Citizen, Inc. v. National Highway Traffic Safety Administration*, 489 F.3d 1279, 1292 (D.C. Cir. 2007)
- *Public Citizen v. United States Department of Justice*, 491 U.S. 440, 449-50 (1989)
- *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity*, 266 F. Supp. 3d 297, 311, 319 (D.D.C. 2017)
- *Humane Society of the United States v. Vilsack*, 797 F.3d 4, 9 (D.C. Cir. 2015)
- *El Rio Santa Cruz Neighborhood Health Center, Inc. v. Department of Homeland Security*, 396 F.3d 1265, 1270 (D.C. Cir. 2005)
- *United States v. Maxwell*, 811 F. Supp. 3d 667, 676 (S.D.N.Y. 2025)
- *Clemente v. Federal Bureau of Investigation*, 2022 WL 17092585, at *3-9 (D.D.C. Nov. 21, 2022)
- *Institute for Justice v. IRS*, 941 F.3d 567, 570 (D.C. Cir. 2019)
- *National Security Counselors v. CIA*, 969 F.3d 406, 409 (D.C. Cir. 2020)
- *Citizens for Responsibility and Ethics in Washington v. Office of Management and Budget*, 791 F. Supp. 3d 29, 46, 51 (D.D.C. 2025)
- *CREW v. Department of Justice*, 846 F.3d 1235, 1238, 1240, 1245-46 (D.C. Cir. 2017)
- *Energy Future Coalition v. EPA*, 793 F.3d 141, 144-46 (D.C. Cir. 2015)
- *Massachusetts v. EPA*, 549 U.S. 497, 525 (2007)
- *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006)
- *Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (per curiam)
- *Chef Time 1520 LLC v. Small Business Administration*, 646 F. Supp. 3d 101, 115-16 (D.D.C. 2022)
- *National Mining Association v. Jackson*, 768 F. Supp. 2d 34, 52 (D.D.C. 2011)
- *East Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 677 (9th Cir. 2021)
- *Benisek v. Lamone*, 585 U.S. 155, 159 (2018)

- Gordon v. Holder, 632 F.3d 722, 724-25 (D.C. Cir. 2011)
- Singh v. Berger, 56 F.4th 88, 95 (D.C. Cir. 2022)
- Widakuswara v. Lake, 779 F. Supp. 3d 10, 40 (D.D.C. 2025)
- DSE, Inc. v. United States, 169 F.3d 21, 33 (D.C. Cir. 1999)
- League of United Latin American Citizens v. Executive Office of the President, 780 F. Supp. 3d 135, 224 (D.D.C. 2025)
- National Council of Nonprofits v. Office of Management and Budget, 2025 WL 597959, at *19 (D.D.C. Feb. 25, 2025)
- National Resources Defense Council, Inc. v. Morton, 337 F. Supp. 167, 168 (D.D.C. 1971)
- National Treasury Employees Union v. Trump, 2025 WL 1441563, at *3 n.4 (D.C. Cir. May 16, 2025) (per curiam)
- Southeastern Fisheries Association v. Lutnick, 2026 WL 1430499, at *13 (D.D.C. May 21, 2026)
- Beatty v. Trump, 2026 WL 1505646, at *44 (D.D.C. May 29, 2026)