

SAMMY ALITO SAYS TRUMP DOESN'T HAVE TO PAY LOCKHEED'S BILLS

After a delay of a week, SCOTUS has finally issued an order denying the government's attempt to turn its own contempt into an appeal of a Temporary Restraining Order.

The language denying the stay (which could have been released last week) is circumspect.

On February 13, the United States District Court for the District of Columbia entered a temporary restraining order enjoining the Government from enforcing directives pausing disbursements of foreign development assistance funds. The present application does not challenge the Government's obligation to follow that order. On February 25, the District Court ordered the Government to issue payments for a portion of the paused disbursements—those owed for work already completed before the issuance of the District Court's temporary restraining order—by 11:59 p.m. on February 26. Several hours before that deadline, the Government filed this application to vacate the District Court's February 25 order and requested an immediate administrative stay. THE CHIEF JUSTICE entered an administrative stay shortly before the 11:59 p.m. deadline and subsequently referred the application to the Court. The application is denied. Given that the deadline in the challenged order has now passed, and in light of the ongoing preliminary injunction proceedings, the District Court should clarify what obligations the Government must fulfill

to ensure compliance with the temporary restraining order, with due regard for the feasibility of any compliance timelines. The order heretofore entered by THE CHIEF JUSTICE is vacated

But not Sammy Alito's dissent, joined by Kavanaugh, Thomas, and Gorsuch.

He accepts the government's misrepresentation of the posture of the case, not to mention the government's conceit that the injury to the government – an inability to recover uncontested past due claims – is greater than shutting down companies forever (which may happen regardless). He even misrepresents that these are contractors and grant recipients providing services ordered by Congress, not some children who won an award.

Does a single district-court judge who likely lacks jurisdiction have the unchecked power to compel the Government of the United States to pay out (and probably lose forever) 2 billion taxpayer dollars? The answer to that question should be an emphatic "No," but a majority of this Court apparently thinks otherwise. I am stunned.

In capsule form, this is what happened. Respondents are a group of American businesses and nonprofits that receive foreign-assistance funds from the State Department and the U. S. Agency for International Development. They brought suit and claimed that the current administration's temporary pause of foreign-assistance payments is unlawful. On February 13, 2025, the District Court issued a temporary restraining order (TRO) requiring the Government to halt its funding pause. It based that decision on a finding that respondents are likely to succeed in showing that the Government violated the Administrative Procedure Act (APA). After issuing the TRO, the District

Judge grew frustrated with the pace at which funds were being disbursed, and on February 25, he issued a second order requiring the Government to pay out approximately \$2 billion. The judge brushed aside the Government's argument that sovereign immunity barred this enforcement order, and he took two steps that, unless corrected, would prevent any higher court from reviewing and possibly stopping the payments. First, he labeled the order as a non-appealable TR0, and second, he demanded that the money be paid within 36 hours.

The word "contempt" does not show up in Sammy's opinion at all.

I mean, sure, there is plenty of contempt, directed at Amir Ali (perhaps not coincidentally the first Muslim and Arab American DC District Judge). But no discussion about the government having contemptuously blown off a court order.

Probably, John Roberts at least would be sympathetic with giving USAID the two weeks they claimed to need to make payments that would have been made in hours before the DOGE boys started breaking things. But he's not yet ready to create a new precedent sanctioning government contempt.

Update: I did a little annotation of Sammy A's key deceit, treating plaintiffs as recipients of "foreign assistance payments" rather than contractors who provided a service to the government.

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"foreign assistance
payments:" a way
to make govt
contractors look
like Welfare Queens