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13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO, et
17 al.,

18 Plaintiffs,

19 v.

20 UNITED STATES OFFICE OF
21 MANAGEMENT AND BUDGET, et al.,

22 Defendants.
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28

Case No. 3:25-cv-08302-SI

**MOTION OF PLAINTIFFS AFGE AND
AFSA FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE**

MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

TO ALL DEFENDANTS: PLEASE TAKE NOTICE that American Federation of Government Employees, AFL-CIO (“AFGE”) and American Foreign Service Association (“AFSA”)¹ hereby move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure and Rule 65-1 of the Civil Local Rules and this Court’s authority to “issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights,” 5 U.S.C. §705, for a temporary restraining order (“TRO”) and an order to show cause. Specifically, Plaintiffs ask the Court to order the following immediate and interim relief before **December 5, 2025 at 9 a.m. Eastern Time**, in light of the imminent separation of employees scheduled to be effectuated that day by Defendant U.S. Department of State (“State Department”):

1. Enjoin Defendants OPM, OMB and the State Department, their agency heads named in their official capacities as Defendants in this lawsuit, their officers, agents, servants, employees, and attorneys, and all persons acting by, through, under, or in concert with these Defendants, from taking any action to implement, carry out, or effectuate RIFs of employees of the State Department, including any actions to separate employees from federal employment.

2. Order that, within two (2) business days, each enjoined Defendant file a declaration(s) verifying that the Defendant has complied with this Order and the steps taken to do so.

3. Order Defendants to show cause why a preliminary injunction should not issue and set a hearing at the earliest possible time and date on which the Court is available to hear argument on that issue.

This motion for a TRO is made on the grounds that (1) Plaintiffs are likely to prevail on their claims that OMB and OPM have exceeded statutory authority, acted contrary to law and constitutional powers in issuing memoranda and instructions interpreting Section 120 of the CR to cover only newly noticed RIFs; that OMB, OPM, and the State Department have and will imminently exceed statutory authority, act contrary to law, and act contrary to the Appropriations Clause by executing RIFs of State Department employees in violation of Congress’s express prohibition; and

¹ Plaintiffs have filed herewith an unopposed Motion for Leave to File Supplemental Complaint that adds AFSA as a plaintiff to this action.

1 that therefore the actions of Defendants are *ultra vires* and violate the Administrative Procedure Act
 2 (“APA”), 5 U.S.C. §706(2)(A), (B), (C); (2) that Plaintiffs will suffer irreparable injury unless the
 3 relief requested is granted; and (3) that the balance of equities and public interest favor injunctive
 4 relief.

5 This motion is supported by the accompanying Plaintiffs’ Memorandum in Support of Motion
 6 for TRO; the accompanying declarations; the accompanying Supplemental Complaint; and the entire
 7 record in this case. Plaintiffs have provided notice of this Motion as set forth in the accompanying
 8 Declaration of Plaintiffs’ counsel Danielle Leonard in support of Plaintiffs’ Motion for TRO.

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 10 Respectfully submitted,

11 DATED: December 3, 2025

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By: /s/ Danielle Leonard

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