

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-5130**September Term, 2024****1:25-cv-00511-CRC****Filed On:** July 14, 2025

In re: U.S. DOGE Service, et al.,

Petitioners

BEFORE: Henderson, Wilkins, and Childs, Circuit Judges

ORDER

Upon consideration of the Supreme Court's order and judgment granting the petition for certiorari, vacating this court's May 14, 2025, order, and remanding for further consideration; the petition for writ of mandamus, the opposition thereto, and the reply; the motion for stay, the opposition thereto, and the reply; and the motion for summary disposition, the opposition thereto, and the reply, it is

ORDERED that the mandamus petition be granted in part and denied in part. The petition is granted to the extent that the district court's April 15, 2025, order requires petitioners to serve responses and objections to Interrogatories Nos. 6 and 8 and Requests for Admission Nos. 2, 4, 6, 8, and 10. The district court is directed to modify its April 15 order to exclude those interrogatories and requests. In all other respects, the petition is denied.

The Supreme Court determined that "[t]he portions of the District Court's April 15 discovery order that require the Government to disclose the content of intra-Executive Branch USDS recommendations and whether those recommendations were followed are not appropriately tailored." *U.S. DOGE Serv. v. CREW*, 145 S. Ct. 1981, 1982 (2025). The Court explained that "[a]ny inquiry into whether an entity is an agency for the purposes of the Freedom of Information Act cannot turn on the entity's ability to persuade," and that "separation of powers concerns counsel judicial deference and restraint in the context of discovery regarding internal Executive Branch communications." *Id.* The Court's order directed this court to "take appropriate action to narrow the April 15 discovery order consistent with [the Court's] order." *Id.*

In moving for summary disposition, respondent has withdrawn the discovery requests that pertain to "recommendations" made by U.S. DOGE Service employees and others—specifically, Interrogatories Nos. 6 and 8 and Requests for Admission Nos. 2, 4, 6, 8, and 10. Excluding those interrogatories and requests will narrow the district court's April 15 discovery order consistent with the Supreme Court's order. Petitioners' arguments in opposition to the summary disposition motion do not otherwise alter this court's conclusions in previously denying mandamus relief. It is

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FURTHER ORDERED that the administrative stay entered on April 18, 2025, be dissolved, and the motion for stay be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Selena R. Gancasz

Deputy Clerk