

United States District Court
District of Columbia

Josh Miller and Acon Artist,	}	Case No.: 4:25-CV-0293/DRZ
Plaintiff		Judge JustTheJudge1
vs.		TEMPORARY RESTRAINING ORDER
Rathuzen, et al,		
Defendant		

TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Plaintiffs' Motion for a TRO. Upon review of the Complaint, the motion, supporting arguments presented by Plaintiffs, the Court will **GRANT** Plaintiff's Motion for **Temporary Restraining Order**.

Facts

- Plaintiffs:** Josh Miller and Acon Artist are duly elected United States Senators who, in the 2024 election, were selected to serve in the Senate. They assert that their constitutional rights as elected officials have been violated due to actions taken by the Defendants during an extraordinary session convened by the President of the United States.
- Defendants:** The Defendants include the President of the United States, the President of the United States Senate, the Chief of Staff to the President, and various other Senate officials who are implicated in the alleged constitutional violations.

3. **Extraordinary Session:** On January 1, 2025, Defendant Teasoups, the President of the United States, issued a proclamation calling for an emergency joint session of Congress. Plaintiffs claim that the session was improperly convened, as it was not based on a legitimate “extraordinary occasion” as required by Article II, Section 3 of the U.S. Constitution.

4. **H.R. 18 and H.J. Res. 5:** During the session, two pieces of legislation, **H.R. 18** and **H.J. Res. 5**, were introduced and passed without following proper legislative procedures, including failing to hold a first reading and not recording votes in the Senate Journal.

5. **Plaintiffs' Claims:** Plaintiffs argue that the extraordinary session was called for improper purposes, which violated the constitutional separation of powers and diluted their ability to fulfill their legislative duties. The Plaintiffs allege that the manner in which the session was conducted deprived them of their rights to represent their constituents and participate in the legislative process.

Legal Standard

The Court of Appeals has held that “the decision to grant or deny preliminary injunctive relief is committed to the sound discretion of the trial court.” *Zirkle v. D.C.*, 830 A.2d 1250, 1255 (D.C. 2003) (citing *Stamenich v. Markovic*, 462 A.2d 452, 456 (D.C. 1983)). A proper exercise of this discretion requires the trial court to consider whether the moving party has clearly demonstrated:

that there is a substantial likelihood that he will prevail on the merits; (2) that he is in danger of suffering irreparable harm during the pendency of the action; (3) that more harm will result to him from the denial of the injunction than will result to the

defendant from its grant; and, in appropriate cases, (4) that the public interest will not be disserved by the issuance of the requested order.”

Id. (citing *Wieck v. Sterenbuch*, 350 A.2d 384, 387 (D.C. 1976).

In considering a motion for preliminary injunction, “the most important inquiry is that concerning irreparable injury.” *Wieck*, 350 A.2d at 387.

ANALYSIS

1. Likelihood of Success on the Merits

The Plaintiffs have demonstrated a substantial likelihood of success on the merits of their claims. The President’s power to call an extraordinary session is not unlimited and must meet constitutional requirements, including being convened for an “extraordinary occasion.” Plaintiffs have raised strong arguments regarding the invalidity of the extraordinary session and the procedural violations surrounding H.R. 18 and H.J. Res. 5. The term “extraordinary” must be interpreted as referring to events that are sudden, urgent, and critical, such as national emergencies or other immediate threats. Furthermore, the President’s use of this power should not be used to bypass the legislative process or to interfere with the regular procedural functions of Congress..

2. Irreparable Harm

The Plaintiffs have shown that they will suffer irreparable harm if the injunction is not granted. As U.S. Senators, they have a constitutional right to participate in the legislative process. The improper passage of H.R. 18 and H.J. Res. 5 would deprive them of their ability to represent their constituents and exercise their legislative

1 duties. Additionally, the failure to follow constitutional procedures damages the
2 integrity of the legislative process and damages the Plaintiffs' ability to fulfill their
3 roles.

4 5 **3. Balance of Equities**

6 The balance of harms strongly favors the Plaintiffs. Denying the TRO would allow
7 the enforcement of potentially unconstitutional laws, further damaging Plaintiffs'
8 constitutional rights. The harm to Defendants from the issuance of the TRO—
9 temporarily halting the enforcement of bills that may be unconstitutional—is
10 minimal, as it merely preserves the status quo until the issues can be fully
11 adjudicated.

12 13 **4. Public Interest**

14 The public interest supports the issuance of the TRO. The integrity of the legislative
15 process must be preserved, and the public has an interest in ensuring that laws are
16 passed in compliance with constitutional requirements. Allowing the extraordinary
17 session and the passage of H.R. 18 and H.J. Res. 5 to stand without proper
18 procedure would weaken public confidence in the legislative process.

19 20 **Conclusion**

21 Plaintiffs have demonstrated that they meet all the requirements for the issuance of
22 a Temporary Restraining Order. They have shown a substantial likelihood of
23 success on the merits, a likelihood of irreparable harm, that the balance of harms
24 favors them, and that the public interest supports the issuance of the TRO.

25 26 **Order**

27 Therefore, it is hereby **ORDERED** that:

- 28 1. Plaintiffs' Motion for Temporary Restraining Order is GRANTED.

- 1
- 2 2. Defendants, including their agents, officers, and employees, are hereby
- 3 **ENJOINED** from enforcing H.R. 18 and H.J. Res. 5, or taking any action to
- 4 implement or carry out any provisions of these bills, until further order of
- 5 this Court.
- 6
- 7 3. Defendants, including their agents, officers, and employees, are hereby
- 8 **ENJOINED** from taking any further actions related to the extraordinary
- 9 session convened on January 1, 2025, until this Court has issued a final
- 10 ruling on the merits of Plaintiffs' claims.
- 11
- 12 4. Defendants are hereby **ENJOINED** to issue a public statement clarifying
- 13 that the measures passed during the extraordinary session, H.R. 18 and H.J.
- 14 Res. 5, are temporarily suspended, pending the outcome of this litigation.
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- 16 5. Plaintiffs are NOT REQUIRED to post a bond as a condition for this
- 17 injunction.
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20 **SO ORDERED.**

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JustTheJudge ☺

Just T. Judge
Assistant Attorney
General
Criminal Division