

No. 25-2089

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

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RHODE ISLAND STATE COUNCIL OF CHURCHES; NATIONAL COUNCIL OF  
NONPROFITS; SERVICE EMPLOYEES INTERNATIONAL UNION; MAIN  
STREET ALLIANCE; CITY OF CENTRAL FALLS; CITY OF PAWTUCKET; CITY  
OF PROVIDENCE; CITY OF ALBUQUERQUE; CITY OF BALTIMORE; CITY OF  
COLUMBUS; CITY OF DURHAM; CITY OF NEW HAVEN; AMOS HOUSE; DR.  
MARTIN LUTHER KING, JR. COMMUNITY CENTER; EAST BAY COMMUNITY  
ACTION PROGRAM; FEDERAL HILL HOUSE ASSOCIATION; THE MILAGROS  
PROJECT; UNITED WAY OF RHODE ISLAND; NEW YORK LEGAL  
ASSISTANCE GROUP; BLACK SHEEP MARKET,

*Plaintiffs-Appellees,*

v.

BROOKE ROLLINS, in her official capacity as Secretary of the United States  
Department of Agriculture; UNITED STATES DEPARTMENT OF AGRICULTURE;  
RUSSELL VOUGHT, in his official capacity as Director of the United States Office of  
Management and Budget; U.S. OFFICE OF MANAGEMENT AND BUDGET;  
SCOTT BESSENT, in his official capacity as Secretary of the United States  
Department of the Treasury; UNITED STATES DEPARTMENT OF THE  
TREASURY; UNITED STATES OF AMERICA,

*Defendants-Appellants.*

On Appeal from the United States District Court for the District of Rhode Island  
(Case No. 25-cv-00569-JJM-AEM)

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**BRIEF OF *AMICI CURIAE* LOCAL GOVERNMENTS AND LOCAL  
GOVERNMENT LEADERS IN SUPPORT OF PLAINTIFFS-APPELLEES  
AND AFFIRMANCE AND IN OPPOSITION TO MOTION FOR STAY  
PENDING APPEAL AND IMMEDIATE ADMINISTRATIVE STAY**

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*City of Bloomington Provides Emergency Support Hoosier Hills Food Bank as SNAP Benefits Pause During Federal Shutdown*, City of Bloomington (Nov. 3, 2025).....5

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## STATEMENT OF INTEREST

*Amici* are local governments and leaders from across the country.<sup>1</sup> They share a common interest and responsibility in protecting the general welfare of their residents, which includes a solemn duty to preserve the health and well-being of our communities. Nothing is more basic to fulfilling this obligation than access to food. Reducing hunger, limiting food insecurity, and ensuring that the most vulnerable (including people with low incomes, children, older adults, veterans, and people with disabilities) obtain food and nutrition assistance is crucial. To that end, the Supplemental Nutrition Assistance Program (SNAP) is the nation's largest anti-hunger program, helping an average of 41.7 million—or 1 in 8—Americans per month. Order at 1. In short, SNAP plays an essential role in supporting millions of households across the country to keep food on the table.

Since the U.S. Department of Agriculture indicated that it might not make payments to SNAP recipients at the start of November, *amici* have been doing their best to prepare to fill the gap. In the week since the payments were missed, *amici*'s communities have rallied to provide whatever assistance possible and offer support to SNAP recipients and others facing food insecurity. *Amici*, the business

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<sup>1</sup> No party or party's counsel authored this brief in whole or in part and no party or party's counsel contributed money intended to fund preparation or submission of this brief. A list of all *amici* is provided at Appendix A. All parties have consented to the filing of this brief.

community, faith institutions, community-based organizations, and individual volunteers are all working together to provide food support and free meals, give mutual aid, collect donations, and stock food pantries—but gaps persist. These efforts are not sustainable, nor significant enough to match the billions in monthly SNAP funding needed. The federal government’s failure to fulfill its promises to the courts and to our residents has created a crisis of profound significance.

The district court was correct to enforce the temporary restraining order and require immediate and full payment of the SNAP benefits to our residents and others across the country. The federal government deserves no reprieve at the eleventh hour; there is no basis for an emergency stay. Families across the country are facing imminent hunger—it is a moral imperative that our residents have the resources they need to feed their children and families.

### **SUMMARY OF ARGUMENT**

Since the shutdown began, the federal government has sought to leverage critical, life-saving SNAP benefits. Despite having funds available and legal authority to distribute November payments, the federal government has refused to do so and has injected unnecessary delay and complexity into the process. Yesterday, nearly a week after issuing an initial temporary restraining order and having given the federal government two options to address the lapse in the SNAP program, the district court was forced to act once again “to restore coherence, accountability, and

“fidelity to the law’s intent.” Order at 3. Now, the federal government seeks immediate relief from this Court, despite its own delays. In all factors, the federal government’s request fails.

*Amici* local governments write separately to emphasize the critical need to require the immediate distribution of full SNAP payments. Local leaders, both in and out of government, have been scrambling to support those facing mounting bills, empty pantries, and food insecurity. Despite their best efforts to support food banks, direct cash assistance, donations, and support provided for other household needs, local governments and community-based partners cannot replicate the support SNAP provides for one out of every eight households across the country. Given this reality, the public interest as a whole is advanced by denying the federal government’s requested stay.

## ARGUMENT

### **I. GIVEN THE SIGNIFICANT IMPACTS ON LOCAL GOVERNMENTS ACROSS THE COUNTRY, A STAY IS NOT IN THE PUBLIC INTEREST**

Even if the other conditions for a stay could be met—which they cannot—this Court should determine that “the public interest lies” in ruling against a stay application. *Ohio v. Env’t Prot. Agency*, 603 U.S. 279, 291 (2024) (citing *Nken v. Holder*, 556 U.S. 418, 434 (2009)). “Before issuing a stay, ‘[i]t is ultimately necessary . . . to balance the equities—to explore the relative harms to applicant and

respondent, as well as the interests of the public at large.” *Trump v. Int’l Refugee Assistance Project*, 582 U.S. 571, 580 (2017) ((quoting *Barnes v. E-Sys., Inc. Grp. Hosp. Med. & Surgical Ins. Plan*, 501 U.S. 1301, 1305 (1991))). Here, there can be little doubt that the public interest weighs against a stay because of the “real and immediate risk of children being deprived of their food assistance *today*.” Order at 23 (emphasis in original). Plaintiffs-Appellees have developed a clear record of impacts to individuals, organizations, businesses, and local governments. *Amici* offer additional perspective on the ongoing effects of the delay in SNAP payments.

**A. Local Governments Are Expending Significant Resources to Fill the Gaps Left by the Suspension of SNAP Funding**

Numerous local governments have found limited discretionary funds to provide direct cash assistance in early November. While budgets remain extremely tight, especially in light of other federal funding cuts or restrictions, cities and counties have managed to direct money to their residents in need. Several communities in the Bay Area of California, for example, have allocated funds toward electronic gift cards for CalFresh recipients.<sup>2</sup> Similarly, San Antonio, Texas has

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<sup>2</sup> Katie DeBenedetti, *More Bay Area Counties Join Push to Send Prepaid Grocery Cards Amid Federal SNAP Lapse*, KQED (Nov. 5, 2025), <https://perma.cc/5ZB5-FC2A>.

distributed \$150 gift cards to 10,000 residents reliant on SNAP, with a focus on seniors and families involved in the Head Start program.<sup>3</sup>

Other municipalities have focused on giving funds directly to local food banks and other organizations that address food insecurity. Bloomington, Indiana supplied about \$50,000 in emergency funding to sustain local food banks.<sup>4</sup> Charleston, West Virginia allocated \$60,000 to help city residents who rely on SNAP benefits by funding the local food bank in that community. The mayor warned that the funds were “a drop in a bucket, but it is what we can do right now.”<sup>5</sup> Additionally, the city council provided an additional \$10,000 to city parks and recreation centers for snacks, as children can obtain free food from the centers. Santa Clara County in California immediately increased its support to a local food network partner to provide up to \$4.5 million to cover emergency food assistance due to the suspension of SNAP. The city council in Cambridge, Massachusetts appropriated \$250,000 to use in conjunction with a local nonprofit, the Cambridge Community Foundation, which allocated \$250,000, to support food access.

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<sup>3</sup> *City Launches Distribution Plan to Support Residents Impacted by SNAP*, City of San Antonio (Nov. 4, 2025), <https://perma.cc/KP8B-KELM>.

<sup>4</sup> *City of Bloomington Provides Emergency Support Hoosier Hills Food Bank as SNAP Benefits Pause During Federal Shutdown*, City of Bloomington (Nov. 3, 2025), <https://perma.cc/3TFW-4BJA>.

<sup>5</sup> Shelby Burrough, Charleston City Council allocates \$60k to combat food insecurity amid SNAP pause, WCHSTV (Nov. 3, 2025) <https://perma.cc/7JZB-8LK9>.

In Minnesota, where SNAP benefits are administered by counties, Olmsted County donated \$200,000 to a local food bank and challenged community members to raise another \$200,000.<sup>6</sup> Ramsey County donated \$450,000, including \$70,000 for baby formula.<sup>7</sup> Commissioners in Hamilton County, Ohio voted to give \$222,000 in remaining funds to a local food bank.<sup>8</sup> These steps, while important and impactful, merely make a dent—and are not nearly enough. In most of these communities, the amount allocated by the local government is just a small percentage of the total monthly SNAP payment, and there is little indication that these governments could make repeated payments into the future.

### **B. Local Governments Are Extending Support Beyond Food Assistance to Protect Their Residents**

Food insecurity and the lack of SNAP funding forces *amici*'s residents to forgo paying other bills in their households. Among other things, utility bills are at increased risk of going unpaid, which subjects residents to the loss of heat or power, just as the winter months are arriving. Where they can, local governments have taken steps to prevent utility shut offs.

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<sup>6</sup> Kevin Hardy, *Local leaders rush to help, but can't fill massive SNAP void*, Stateline (Oct. 29, 2025), <https://perma.cc/AYF9-ZL7F>.

<sup>7</sup> *Ramsey County to give \$450K to local food emergency system*, CBS News (Nov. 4, 2025), <https://perma.cc/PT2Y-TYKV>.

<sup>8</sup> Alex Null, *Hamilton County leaders push for more state and federal action amid SNAP delays*, WCPO Cincinnati (Oct. 31, 2025), <https://perma.cc/4PP9-C6JD>.

El Paso County in Texas has directed the Community Services Department to temporarily expand an assistance program that will help cover utility costs for residents facing food instability due to SNAP disruption.<sup>9</sup> Similarly, the City of Tulsa is working with the Metropolitan Utility Authority to offer a temporary grace period on water bills for SNAP recipients.<sup>10</sup> In addition, Metro Social Services of Nashville and Davidson County in Tennessee has activated a crisis response due to SNAP disruption, which includes “increased welfare calls to elderly, disabled, and homebound clients, increased at-home welfare checks of clients, [and the deployment of] Home Ambassadors who make daily meal deliveries to ask welfare specific questions of clients to identify and assess any acute and present needs related to food and health needs.”<sup>11</sup> Nashville is also offering free transit rides, utility payment assistance, and other services to residents who have lost SNAP benefits.

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<sup>9</sup> Adam Powell, *El Paso County acts to ease food insecurity amid SNAP slowdown, government shutdown*, El Paso Times (Nov. 5, 2025), <https://perma.cc/P9TA-M264>.

<sup>10</sup> Jennifer Maupin, *Trouble paying bills? What Tulsa utilities companies offer during shutdown*, News 2 Oklahoma (Nov. 6, 2025), <https://perma.cc/7NCM-LJKR>.

<sup>11</sup> Metropolitan Government of Nashville and Davidson County, *Resources for Residents Affected by Loss of SNAP Benefits* (Nov. 4, 2025), <https://perma.cc/7T6F-X4CU>.

**C. The Resources of Local Charities and Businesses Are Strained as a Result of the SNAP Funding Delays**

Both on their own and with support of local leaders, many local charities and food banks have surged to meet increased demand. For example, Greater Cleveland Food Bank supplies over a thousand food pantries in Northeast Ohio and is preparing to distribute six million pounds of food to meet the surge in need—a 22% increase from last November. “The organization emphasized that for every meal it provides, SNAP typically covers nine, making the federal shutdown’s impact impossible for food banks alone to offset.”<sup>12</sup> The surge for the Greater Cleveland Food Bank also comes as a result of a public-private partnership among city and county government as well as major local institutions, such as Cleveland’s three major professional sports teams.<sup>13</sup>

St. Louis Mayor Cara Spencer launched the 2025 City Food Insecurity Fund in partnership with nonprofit organizations. Donations are going to emergency food assistance efforts provided by local food banks, pantries, and other community

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<sup>12</sup> Kaylee Remington, *Cleveland food pantries see surging need as SNAP benefits stop amid federal shutdown*, Cleveland.com (Nov. 1, 2025), <https://perma.cc/39BX-ECBJ>.

<sup>13</sup> Mercy Sackor, *Cuyahoga County community gathers over \$600K to support residents facing potential SNAP loss*, News 5 Cleveland (Oct. 31, 2025), <https://perma.cc/A3ND-SAFQ>.

groups.<sup>14</sup> These surges are needed to ensure that existing clients are not impacted as well. For example, the executive director of a local food pantry worried that the drastic increase in need might force the pantry to turn residents away or cut the amount of food distributed to clients.<sup>15</sup>

Food bank administrators have warned that food banks are not designed to replace a government safety net. The CEO of Central Texas Food Bank emphasized that the SNAP disruption was unlike natural catastrophes or other regional emergencies, because food banks could not shift resources from other parts of the state when everyone across the state was experiencing the same need. In New Mexico, a director at a local food bank warned of a “catastrophic need for food.”<sup>16</sup>

Impacts are also felt in the business community, especially among retailers that serve SNAP recipients regularly. In Kansas City, Missouri, local grocery stores are struggling. At one local store where 60% of customers use SNAP, lost business means that employee hours could be cut. The store is down \$14,000 in November

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<sup>14</sup> *Mayor Spencer Launches City Food Insecurity Fund*, City of St. Louis (Nov. 6, 2025), <https://perma.cc/83EN-GQD3>.

<sup>15</sup> Ashlynn Couch, *St. Louis food pantries grapple with suspension of SNAP benefits*, Call Newspapers (Nov. 4, 2025), <https://perma.cc/Y96G-SASE>.

<sup>16</sup> Barbara Sprunt, *With the outlook for SNAP benefits uncertain, food banks are warning of a crisis*, LAist (Nov. 1, 2025), <https://perma.cc/LR6F-65RX>.

compared to the same period in October.<sup>17</sup> A local grocer in Cincinnati, Ohio who estimates that 75% of his customers use SNAP was preparing to raise prices so he could feed his own family.<sup>18</sup> A barbeque restaurant in Phoenix, Arizona reported that 60% of its revenue comes from SNAP benefits. Without SNAP dollars, the restaurant will struggle to make ends meet.<sup>19</sup>

Likewise, at many farmers' markets across the country, customers who use SNAP benefits receive a dollar-for-dollar match or additional credit to spend on fresh produce. In California, Sacramento-area farmers' markets project they will lose \$36,500 per week in spending without SNAP, hurting small farmers.<sup>20</sup> In Pittsburgh, Pennsylvania, a local market chain had to cut employees' hours when stores did not receive the SNAP dollars that go toward covering overhead expenses and employee benefits at the beginning of the month.<sup>21</sup> These stories represent just a handful of the

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<sup>17</sup> Grace Smith, *Government shutdown impacts local grocery stores as SNAP benefits dwindle*, KCTV5 (Nov. 5, 2025), <https://perma.cc/AZ6U-WFDZ>.

<sup>18</sup> Christian Hauser, *Local grocers worry about impact of delayed SNAP benefits amid government shutdown*, Dayton 24/7 NOW (Nov. 2, 2025), <https://perma.cc/4G63-6PZC>.

<sup>19</sup> Zach Prelutsky, *Pause of SNAP benefits could have major impact on Arizona small businesses*, AZ Family (Oct. 25, 2025), <https://perma.cc/3T8M-CD3J>.

<sup>20</sup> Jeannie Nguyen, *Sacramento-area farmers brace for losses as government shutdown stalls CalFresh funds*, ABC 10 (Oct. 31, 2025), <https://perma.cc/XL4J-8SXD>.

<sup>21</sup> Josh Taylor, *Sprinkle's owner says businesses are feeling impact from government shutdown too*, CBS News (Nov. 6, 2025), <https://perma.cc/54PU-RCG4>.

millions of stories of individuals who have struggled as a direct result of the federal government's equivocation in its role to ensure these very basic needs are met.

### CONCLUSION

For all of the foregoing reasons and for the reasons provided by the Plaintiffs-Appellees, the request for emergency stay should be denied and full SNAP benefits should be restored immediately.

Dated: November 7, 2025

Respectfully submitted,

*/s/ Jonathan B. Miller*

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City of Allentown, Pennsylvania

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City of Cincinnati, Ohio

City of Cleveland, Ohio

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*Mayor, City of Cudahy, California*

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Chris Canales  
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County of El Paso, Texas

City of Evanston, Illinois

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*Mayor, City of Farmington Hills, Michigan*

Village of Gambier, Ohio

Bryan Kennedy  
*Mayor, City of Glendale, Wisconsin*

Christian Menefee  
*County Attorney, Harris County, Texas*

Rodney Ellis  
*Commissioner, Harris County, Texas*

Christy Clark  
*Mayor, Town of Huntersville, North Carolina*

Jesse Brown  
*City Councilor, City of Indianapolis, Indiana*

Quinton D. Lucas  
*Mayor, Kansas City, Missouri*

Andy Schor  
*Mayor, City of Lansing, Michigan*

City of Los Angeles, California

Michael Owens  
*Mayor, City of Mableton, Georgia*

Jerald Lentini  
*Director, Town of Manchester, Connecticut*

Jessee Muñiz-Poland  
*Director, Town of Manchester, Connecticut*

County of Marin, California

Bill Burgess  
*Clerk, Marion County, Oregon*

City of Madison, Wisconsin

Martin Luther King, Jr. County, Washington

Emily Kuhn  
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City of Minneapolis, Minnesota

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Ginny Welsch

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& Davidson County, Tennessee*

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City of Newark, New Jersey

Christopher Jaramillo

*President, Norristown Area School District, Pennsylvania*

City of Peekskill, New York

City of Pittsburgh, Pennsylvania

Pima County, Arizona

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*Pima County Attorney, Arizona*

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*Administrator, City of Poulsbo, Washington*

John Clark

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City of Rochester, New York

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### CERTIFICATE OF COMPLIANCE

I, Jonathan Miller, hereby certify that:

1. This brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) and 32(a)(7)(B) because it contains 2,344 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman, size 14.

*/s/ Jonathan B. Miller*

Jonathan B. Miller  
Public Rights Project

Dated: November 7, 2025

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jonathan B. Miller

Jonathan B. Miller

Public Rights Project

Dated: November 7, 2025