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## Case of the Month

### Universal injunctions likely exceed federal courts' authority.

On January 28, 2025, President Trump issued [Executive Order Number 14160](#) addressing birthright citizenship. Several individuals, organizations, and states sued the president in different jurisdictions, claiming the executive order violated the U.S. Constitution Fourteenth Amendment Citizenship Clause, [U.S. Const. amend XIV](#), and Section 201 of the U.S. Nationality Act of 1940, [8 U.S.C. § 1401](#). They sought to enjoin the enforcement of the order.

The federal district courts determined that the order was likely unlawful and granted universal preliminary injunctions, also referred to as nationwide injunctions, prohibiting federal officials from enforcing the order to anyone. The federal government requested the relevant courts of appeals stay the injunctions. The courts declined. The government appealed, arguing the courts do not have equitable authority to issue universal injunction. The government sought partial stays of the injunctions and to limit the injunctions to the parties. The cases were consolidated on appeal.

The U.S. Supreme Court looked to Court precedent, determining that the federal [Judiciary Act of 1789](#) granted federal courts only the types of equitable remedies traditionally conferred to the courts at the time of the country's inception. The Court looked to history and concluded that universal injunctions were not sufficiently analogous to relief available in English courts of equity when the country was founded. The remedies at the time were instead generally party specific. The early U.S. courts did not expand these powers and chose not to extend the application of relief beyond the parties to lawsuits. The Court determined that universal injunctions exceed the power of the federal courts but left open the opportunity for class actions and lawsuits brought by states and associations on behalf of their citizens and members. The Court granted the government partial stays of the preliminary injunctions to the extent the injunctions are broader than necessary to provide the plaintiffs complete relief. [Trump v. CASA, Inc.](#), 145 S.Ct. 2540 (June 27, 2025).

### Why is This Case Significant?

This opinion marks a significant shift in the approach to challenging the actions of the federal government. While some questions were not fully answered by the majority opinion, such as the application of the concept of complete relief in the determination of when a nationwide injunction may be appropriate and the extent to which the courts will grant standing for class actions and to states and associations, this case has limited plaintiffs' ability to seek nationwide relief against the federal government.

## Highlights

Now available:  
[2025 Legislative Summary for Community Colleges and Their Attorneys](#)

New on eLaw:  
[Deadlines for November 2025 Elections](#)

## Resources

[Texas Higher Education Coordinating Board](#)  
[Texas Legislature](#)  
[Texas Statutes](#)  
[Texas Attorney General](#)  
[U.S. Department of Education](#)



## From the Courts and the Attorney General

### Governance

The U.S. Department of Education (ED) and federal government officials' request to stay a preliminary injunction enjoining ED from eliminating about half the ED employees and transferring ED functions to other agencies was granted. [\*McMahon v. N.Y.\*](#), No. 24A1203, 2025 WL 1922626 (July 14, 2025).

### Personnel

The members of the U.S. Preventative Services Task Force, which formulates recommendations for preventative health care services that insurers must cover under the federal [Affordable Care Act](#) at no cost to the insured, are inferior officers whose appointment by the U.S. Secretary of Health and Human Services is consistent with the U.S. Constitution [Appointments Clause](#), instead of principal officers required to be appointed by the U.S. President and confirmed by the U.S. Senate. [\*Kennedy v. Braidwood Mgmt., Inc.\*](#), 145 S.Ct. 2427 (June 27, 2025).

Associate professor, who was denied a promotion by a university to full professor because of his low research performance and subsequently filed a complaint of racial discrimination with the U.S. Equal Employment Opportunity Commission (EEOC), failed to provide sufficient evidence to overcome dismissal of his claims of discrimination and retaliation for his EEOC complaint in violation of the [Texas Commission on Human Rights Act](#) (TCHRA). [\*Bright v. Tex. A&M Univ.\*](#), No. 10-22-00282-CV, 2025 WL 1766126 (Tex. App.—Waco June 26, 2025, no. pet. h.) (mem. op.).

Former university police officer, who was a witness during a university's investigation of a sexual harassment complaint under [Title IX of the Education Amendments of 1972](#) and was suspended with pay after lying about recording

a phone call with investigators during a separate but related investigation, failed to provide sufficient evidence to overcome summary judgment on his claim of retaliation in violation of [Title VII of the Civil Rights Act of 1964](#) for participating in a sexual discrimination investigation. [\*Crawford v. W. Tex. A&M Univ.\*](#), No. 2:23-CV-152-Z-BR, 2025 WL 1811763 (N.D. Tex. July 1, 2025) (mem.).

### Students and Instruction

The State of Texas and its employees and agents were permanently enjoined from enforcing [Texas Education Code section 54.051\(m\) and section 54.052\(a\)](#) to grant residents who are not lawfully present in the country resident tuition. [\*U.S. v. Tex.\*](#), No. 7:25-cv-00055, 2025 WL 1583869 (N.D. Tex. June 4, 2025).

Student, who was disciplined by a university for persistently contacting a professor who repeatedly requested she limit her communications to coursework-related inquiries and who claimed her behavior was a result of disability-related emotional distress, failed to provide sufficient evidence to overcome dismissal of her claims the university denied her due process in violation of the U.S. Constitution [Fourteenth Amendment](#) and discriminated against her based on, and failed to accommodate, her disability and retaliated against her in violation of the federal [Rehabilitation Act Section 504](#). [\*Brantley v. Univ. of Tex. at Austin\*](#), No. A-25-CV-00594-ADA, 2025 WL 2060792 (W.D. Tex. July 7, 2025) (mem.).

## Open Records Letter Rulings

This month, the attorney general issued Open Records Letter Rulings<sup>1</sup> based on requests from Texas community colleges related to:

- Information regarding a competition or bidding. Tex. Att'y Gen. Op. [OR2025-20609](#) (June 16, 2025);
- Information regarding certain solicitations. Tex. Att'y Gen. Op. [OR2025-20979](#) (June 17, 2025);
- Surveillance video. Tex. Att'y Gen. Op. [OR2025-21173](#) (June 18, 2025);
- Information regarding the requestor and a case. Tex. Att'y Gen. Op. [OR2025-21465](#) (June 20, 2025);
- Information regarding a contract. Tex. Att'y Gen. Op. [OR2025-21907](#) (June 25, 2025);
- Contracts and purchase orders. Tex. Att'y Gen. Op. [OR2025-21920](#) (June 25, 2025);
- Information regarding a bid. Tex. Att'y Gen. Op. [OR2025-22034](#) (June 26, 2025);
- Certain testing. Tex. Att'y Gen. Op. [OR2025-22187](#) (June 26, 2025);
- Certain contracts with named companies. Tex. Att'y Gen. Op. [OR2025-22424](#) (June 27, 2025);
- Certain agreements. Tex. Att'y Gen. Op. [OR2025-22796](#) (July 1, 2025);
- Information regarding contracts with certain vendors. Tex. Att'y Gen. Op. [OR2025-23201](#) (July 3, 2025);
- Information regarding a solicitation. Tex. Att'y Gen. Op. [OR2025-23331](#) (July 7, 2025);
- Information regarding a request for proposals. Tex. Att'y Gen. Op. [OR2025-23538](#) (July 8, 2025);
- Information regarding certain agreements. Tex. Att'y Gen. Op. [OR2025-23969](#) (July 10, 2025);
- Video pertaining to an incident. Tex. Att'y Gen. Op. [OR2025-23991](#) (July 10, 2025);
- Information regarding certain vendors. Tex. Att'y Gen. Op. [OR2025-24086](#) (July 11, 2025), [OR2025-24342](#) (July 14, 2025);
- Information regarding an individual and a college policy. Tex. Att'y Gen. Op. [OR2025-24258](#) (July 14, 2025); and
- A contract. Tex. Att'y Gen. Op. [OR2025-24525](#) (July 15, 2025).



## Recent Regulations and Guidance

The Texas Education Agency adopted a [regulation](#) addressing counseling public school students regarding higher education.

The Texas Ethics Commission adopted and amended [regulations](#) addressing procedures for processing sworn complaints, including responding to and investigating the complaints.

Congress amended several laws impacting higher education, through the [One Big Beautiful Bill Act](#), including the federal financial aid program provisions in the Higher Education Act of 1965.

The U.S. Department of Labor amended [regulations](#) to remove obsolete grant and contract rules.

<sup>1</sup> Open record letter rulings are limited to the particular records at issue and the facts as presented to the attorney general. These rulings must not be relied upon as a previous determination regarding any other records or any other circumstances.



## In the News

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The President issued [America's AI Action Plan](#).

The U.S. Department of Education (ED) issued a [Guidance on Artificial Intelligence Use in Schools](#) and a [proposed supplemental grantmaking priority](#), advancing AI in education, for which ED is seeking public comment by August 20, 2025s.

ED and the U.S. Department of Labor announced a [workforce development partnership](#) to shift the administration of select ED programs.