



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

March 16, 2026

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Gouyen Brown Lopez, et al. v. United States Forest Service, et al.,
No. 25A1008

Dear Mr. Harris:

The applicants in the above-captioned matter have filed an “Emergency Application for Injunction Pending Appeal.” In their filing, applicants have asked the Circuit Justice, by 9 a.m. on Monday, March 16, 2026, to “order[] Respondents to take immediate steps to restore the pre-land-exchange status quo pending this Court’s review or, at a minimum, halt any further development of the mine.” Appl. 3 n.2. Respondent-intervenor Resolution Copper Mining LLC (Resolution) has opposed that request. The federal respondents agree with Resolution that applicants’ request for an “administrative” injunction should be denied. The following points are particularly salient.

1. Applicants describe the immediate relief they seek as an “administrative stay.” Appl. 2; see Appl. 40 (“temporary administrative stay”). But applicants do not ask the Circuit Justice simply to stay the effect of a lower court’s ruling; they seek affirmative relief that both courts below denied. Such a request is reviewed under a significantly more demanding standard than would apply to a stay request. See Resolution Opp. 1 n.1. The applicable standard should if anything be more stringent here since the land exchange that applicants sought to prevent through this lawsuit has now occurred. Applicants presently ask the Circuit Justice not to preserve the status quo but to alter it, either by undoing the land exchange or by restricting Resolution’s ability to utilize the land it recently acquired.

2. By asking the Circuit Justice to compel restoration of the “pre-land-exchange status quo” (Appl. 3 n.2), applicants presumably seek an order re-transferring ownership of the land back to the federal government. But even if the transfer were ultimately found to be unlawful, it is unclear whether this Court would possess remedial authority to mandate the transfer’s rescission. If this Court ultimately concludes that the transfer was unlawful and that the Court has that remedial power, it can rule accordingly at that time. But it would be needlessly disruptive for the Circuit Justice to order, as a matter of “administrative” relief, an immediate re-transfer of ownership that might itself be undone in the very near future if the application is ultimately denied.

3. Applicants' alternative request for "administrative" relief is that the Circuit Justice "halt any further development of the mine." But an "administrative" injunction, like any other injunction, should state with specificity what conduct is prohibited or required. Cf. Fed. R. Civ. P. 65(d)(1)(B) and (C) ("Every order granting an injunction * * * must * * * state its terms specifically[] and * * * describe in reasonable detail * * * the act or acts restrained or required."). Resolution's opposition describes (at 6) specific actions that it intends to take within the next two weeks now that it has acquired ownership of the land. Applicants have provided no reason to think that they will be irreparably injured by those actions, or by anything else that Resolution might do during the brief period before the present emergency application is resolved. Rather, the irreparable harms that applicants identify as eventual consequences of the land transfer (see Appl. 37-38) will not occur for many years (see Resolution Opp. 4-5). Entry of a new "administrative" injunction would be particularly inequitable since the land transfer was previously delayed by the unwarranted seventh-month administrative injunction entered by the court of appeals.

4. There is no reasonable prospect that the Court will grant certiorari in this case. Both courts below found that applicants had failed to show a likelihood of success or even serious questions on the merits of their claims. And just last Term, this Court denied the petition for a writ of certiorari in *Apache Stronghold v. United States*, 145 S. Ct. 1480 (2025), which involved an identical religious-freedom challenge to the same land exchange. See Resolution Opp. 5.

For the foregoing reasons, applicants' request for an "administrative" injunction should be denied.

Sincerely,

D. John Sauer
Solicitor General

cc: See Attached Service List

SERVICE LIST: LOPEZ, ET AL. V. UNITED STATES FOREST SERVICE, ET AL.

Miles E. Coleman
2 W. Washington St., Suite 400
Greenville, SC 29601
miles.coleman@nelsonmullins.com

Michael R. Huston
Perkins Coie LLP
2525 E. Camelback Road, Suite 500
Phoenix, AZ 85016