
No. 25A539

In the
Supreme Court of the United States

BROOKE ROLLINS, ET AL.,

Applicants,

v.

RHODE ISLAND STATE COUNCIL OF CHURCHES, ET AL.,

Respondents.

ON APPLICATION TO STAY

**BRIEF OF MASSACHUSETTS; ARIZONA; CALIFORNIA, COLORADO;
CONNECTICUT; DELAWARE; THE DISTRICT OF COLUMBIA; HAWAII;
ILLINOIS; LAURA KELLY, in her official capacity as Governor of the State
of Kansas; OFFICE OF THE GOVERNOR ex rel. Andy Beshear, in his
official capacity as Governor of the Commonwealth of Kentucky; MAINE;
MARYLAND; MICHIGAN; MINNESOTA; NEVADA; NEW JERSEY; NEW
MEXICO; NEW YORK; NORTH CAROLINA; OREGON; JOSH SHAPIRO, in
his official capacity as Governor of the Commonwealth of Pennsylvania;
RHODE ISLAND; VERMONT; WASHINGTON; and WISCONSIN AS AMICI
CURIAE IN SUPPORT OF RESPONDENTS AND IN OPPOSITION TO
APPLICATION TO STAY**

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INTRODUCTION AND INTERESTS OF AMICI

Amici are Massachusetts, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the Governors of Kansas, Kentucky, and Pennsylvania.

Amici States are home to tens of millions of residents who have been forced to endure weeks of uncertainty about whether Applicants will comply with their statutory obligation and affirmative promise to fund the Supplemental Nutrition Assistance Program (SNAP) for November 2025.¹ Applicants refused to fund SNAP for November at all until ordered to do so by a court, and even then, Applicants refused to make full payments despite the undisputed availability of funds and Applicants' knowledge that partial payments would not reach beneficiaries in many states for weeks, if not longer. This Court should deny Applicants' request for a stay of the court order directing them to make full SNAP benefit payments for November.

The question of whether Applicants can shirk their obligation to pay full November benefits profoundly impacts Amici States, both because states administer the SNAP program and because millions of Amici's residents rely on SNAP benefits

¹ Applicants are Brooke Rollins, Secretary of the United States Department of Agriculture; the United States Department of Agriculture; Russell Vought, Director of the United States Office of Management and Budget; Scott Bessent, Secretary of the United States Department of the Treasury; the United States Department of the Treasury; and the United States of America.

to meet their daily food needs. Loss or reduction of such benefits has a ripple effect on other state services, as increased food insecurity creates a strain on state safety net programs, and healthcare and educational institutions. In addition, Applicants have sown chaos and confusion among the states by issuing a series of conflicting guidance documents, giving directions to state agencies, repudiating those directions a day later, and demanding that states take on the cost of Applicants' cruelty and incompetence.

Amici States have worked diligently to understand the four formal guidance documents issued by Applicants between November 3 and November 8—the first two of which authorized conflicting amounts of partial payments of November benefits, the third of which authorized full payment, and the fourth of which purported to retract the authorization for full payment and threatened potentially catastrophic penalties on states that submitted issuance files² for full benefits (who had done so in accordance with the district court order requiring full payment and with the third guidance). As the First Circuit recognized in denying Applicants' motion for a stay pending appeal, the proposed partial payment plans would delay November benefits by weeks or months for recipients in multiple states and would create substantial risks of error. Applicants' new threat to impose penalties on those states that sought full benefits in accordance with the district court's order and federal guidance

² State agencies administer many of the SNAP program's day-to-day functions, including preparing monthly benefit issuance files containing the benefit amount for each recipient and sending those files to third-party vendors who then transfer the value of the benefits onto recipients' Electronic Benefit Transfer (EBT) cards.

highlights the impropriety of their request for a stay and the substantial harms that Applicants are imposing on Amici and their residents.

ARGUMENT

POINT I

APPLICANTS HAVE SUBJECTED AMICI STATES AND THEIR RESIDENTS TO WEEKS OF CHAOS AND UNCERTAINTY.

On October 1, 2025, funding for federal programs lapsed because Congress did not pass a regular appropriations bill for the forthcoming fiscal year. Prior to the funding lapse, the U.S. Department of Agriculture (USDA) represented that SNAP operations would continue during any shutdown and that the agency would use SNAP contingency funds to pay benefits if needed. USDA, *Lapse of Funding Plan* (Sept. 30, 2025), <https://perma.cc/UKP4-WBWU>. States, which are tasked by federal law with administering various aspects of the SNAP program, therefore took the necessary steps to prepare benefit issuance files for November, the following month.

On October 10, however, USDA advised that there would be insufficient funds to pay November SNAP benefits and directed states to “hold” their November issuance files pending further guidance. USDA, *Supplemental Nutrition Assistance Program (SNAP) Benefit and Administrative Expense Update for November 2025* (Oct. 10, 2025).³ On October 24, the USDA announced that it was suspending November benefit allotments in their entirety and that it would not use contingency funds to make payments. *See* USDA, *Supplemental Nutrition Assistance Program*

³ The October 10 guidance is available at Docket No. 7-3 in *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. Oct. 28, 2025).

(SNAP) *Benefit and Administrative Expense Update for November 2025* (Oct. 24, 2025), <https://perma.cc/4VPF-4ANN>; USDA, *Impact of the Government Lapse on November Supplemental Nutrition Assistance Program (SNAP) Household Benefits*, <https://perma.cc/L343-L7YA>.

Two separate lawsuits followed – one brought by states (including all Amici States) (*Massachusetts v. U.S. Department of Agriculture*, 1:25-cv-13165 (D. Mass.)) and another brought by municipalities and nonprofit organizations (*Rhode Island State Council of Churches v. Rollins*, No. 1:25-cv-569 (D.R.I.)). On October 31, the district court in Rhode Island issued a temporary restraining order directing Applicants either to make full SNAP payments or to resolve administrative burdens so that partial benefits could be available to SNAP recipients on or before November 5. *R.I. State Council of Churches v. Rollins*, No. 1:25-cv-569 (D.R.I. Oct. 31, 2025), Minute Entry. Meanwhile, the district court in Massachusetts ordered Applicants to advise whether they would use solely the contingency funds to make partial payments or use contingency funds and other sources to make full payments. *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. Oct. 31, 2025), Doc. No. 26.

On Monday, November 3, Applicants confirmed through filings in both cases that they intended to pay only partial benefits for November, even though funds were available to pay full benefits, and that implementation of a partial benefits plan could “take anywhere from a few weeks to up to several months.” *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. Nov. 3, 2025), Doc. No. 48-1 at 8; *R.I. State Council of Churches v. Rollins*, 1:25-cv-569 (D.R.I. Nov. 3, 2025), Doc. No. 21-1 at 8. On

Tuesday, November 4, the USDA released guidance to states about how to prepare benefit issuance files to “reduc[e] SNAP maximum allotments to 50 percent of the eligible household’s current allotment for November 2025.”⁴ The following evening—Wednesday, November 5—Applicants acknowledged that the prior day’s guidance was erroneous and issued new guidance with updated payment tables, directing states to reduce maximum allotments by 35% instead of 50%.⁵

In the meantime, plaintiffs in both actions sought court relief to obtain full payment. *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. Nov. 6, 2025), Doc. No. 68; *R.I. State Council of Churches v. Rollins*, 1:25-cv-569 (D.R.I. Nov. 4, 2025), Doc. No. 22. On Thursday, November 6, the district court in Rhode Island found that Applicants had failed to comply with the court’s first order and ordered USDA “to make full SNAP payments to the States by Friday, November 7, 2025” by utilizing all available contingency and other funds. *R.I. State Council of Churches v. Rollins*, 1:25-cv-569 (D.R.I. Nov. 6, 2025), Doc. No. 34.

On the morning of Friday, November 7, Applicants moved in the First Circuit for an administrative stay and stay pending appeal. Several hours later, at approximately 12:30pm, USDA issued its third guidance to states, representing that the agency would implement full SNAP benefits for November and advising that the federal government “will complete the processes necessary to make funds available

⁴ The November 4 guidance is available at Docket No. 55-1 in *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. 2025).

⁵ The November 5 guidance is available at Docket No. 65-1 in *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. 2025).

to support [states'] subsequent transmittal of full issuance files" later that day.⁶ The November 7 guidance did not condition its applicability on the outcome of Applicants' stay motion, did not indicate that further guidance or instructions were forthcoming, and did not instruct states to delay releasing benefit issuance files to their respective vendors. After issuing this guidance and before the First Circuit had ruled on the pending stay motion, Applicants filed this motion in this Court, without alerting the Court to the guidance issued hours earlier.

Many states had already taken steps to enable USDA to comply with the district court's order, or acted in reliance on the November 7 guidance, and therefore began to submit files to their SNAP vendors for full November benefits and inform the public that benefits were now available. Many recipients promptly received their full November benefits and began to use the much-needed funds to purchase food from retailers.

Shortly after 6:00pm on November 7, the First Circuit denied Applicants' request for an administrative stay pending resolution of the motion, *R.I. State Council of Churches*, No. 25-2089 (1st Cir. Nov. 7, 2025), and shortly after 9:30pm, this Court granted an administrative stay "to facilitate the First Circuit's expeditious resolution" of the pending stay motion, *Rollins v. R.I. State Council of Churches*, 25A539 (U.S. Nov. 7, 2025). The First Circuit denied the stay in a 29-page decision

⁶ The November 7 guidance is available at Docket No. 75-1 in *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. 2025).

issued on November 9. *See R.I. State Council of Churches v. Rollins*, 25-2088 (1st Cir. Nov. 9, 2025), Doc. No. 34.

At 10:00pm on Saturday, November 8, USDA issued yet another guidance, asserting that the transmittal of full SNAP payment files “was unauthorized” and that states must “immediately undo any steps taken to issue full SNAP benefits for November 2025.”⁷ USDA instructed states to process partial payment files as per the November 5 guidance, and threatened to “tak[e] various actions, including cancellation of the Federal share of State administrative costs and holding States liable for any overissuances that result from the noncompliance.” On the morning of Monday, November 10, the district court in the Massachusetts action temporarily stayed the November 8 guidance. The court extended that stay following a hearing that afternoon. *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. Nov. 10, 2025), Doc. Nos. 83, 90.

Much of the chaos described above could have been avoided, as the First Circuit correctly recognized. *See R.I. State Council of Churches v. Rollins*, 25-2088 (1st Cir. Nov. 9, 2025), Doc. No. 34 at 20-21. For example, Applicants could have moved expeditiously to address this crisis on October 1, when the government shutdown began, or even on October 10, when USDA warned that the shutdown could cause a shortfall of funds for the SNAP program. Instead, Applicants waited until October 24 to announce that they would withhold SNAP benefits entirely during the pendency

⁷ The November 8 guidance is available at Docket No. 79-1 in *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. 2025).

of the shutdown, an action that two district courts have found was unlawful (and which orders Applicants have not appealed). Applicants decided to release some benefits only after ordered to do so, and even then, chose a path to disbursement of funds that created delays and chaos. And after choosing that path, Applicants issued four guidance documents in the span of five days, each giving states conflicting guidance and the last threatening ruinous penalties for states that submitted benefit issuance files to ensure prompt payment after the district court's order and simply complied with guidance that Applicants had issued just the day before. The history of Applicants' conduct alone warrants denial of a stay from this Court, especially when the grant of a stay would deprive millions of residents of essential benefits.

POINT II

A STAY WOULD CONTINUE TO SUBJECT AMICI STATES AND THEIR RESIDENTS TO SEVERE AVOIDABLE HARMS

On November 1, 42 million Americans, including approximately 16 million children,⁸ should have begun to receive their monthly SNAP benefits to pay for food. While some of those individuals have now received benefits, millions of others have not and will not if this Court grants Applicants' motion for a stay. Allowing Americans to go hungry for weeks or months will lead to serious and compounding harms for both recipients and Amici States.

⁸ USDA, Economic Research Service, <https://www.ers.usda.gov/data-products/chart-gallery/chart-detail?chartId=54640> (last visited Nov. 11, 2025), preserved at <https://perma.cc/BH6M-ZJXC>.

Numerous states have determined that implementing USDA's partial benefits plan will take weeks or even months, leaving millions of Americans to go hungry in the interim, or attempt to get by with already-stretched state resources. This is because implementation of USDA's partial payment scheme requires states to undertake cumbersome administrative procedures that they have never before had to implement on system-wide scale, as USDA Assistant Secretary Penn acknowledged. *R.I. State Council of Churches v. Rollins*, 1:25-cv-569 (D.R.I. Nov. 3, 2025), Doc. No. 21-1 at 8.

To follow USDA's November 5 guidance, for example, states must calculate the reduced amount of SNAP benefits for each eligible household and then convey that information to third-party vendors who load the allotted amounts onto recipients' EBT cards. Many states' existing systems require complete reprogramming to accomplish this task, and given the chaotic and constantly changing nature of USDA's guidance, that task is impossible to complete quickly for those states. For example, the Minnesota Department of Children, Youth, and Families determined that it would take at least six weeks to rewrite its computer systems' source code to implement the partial payment plan, and at least another six weeks to rewrite the code to revert to full benefits whenever they resume. Similarly, the Pennsylvania Department of Human Services informed USDA that implementing the reduction tables would require completely restructuring Pennsylvania's system and would take a minimum of 9 to 12 business days. New Jersey estimates re-coding its internal system would take a minimum of four to six weeks. The state of Washington would

need months of coding effort to modify its system. And Oregon reports that it may be able to recode its system in a shorter period, but only by reassigning 570 employees exclusively to the task.

Every day that passes is another day that families and individuals who rely on SNAP benefits struggle to meet their most basic needs. Over the past ten days, recipients whose EBT cards were not loaded with their expected monthly SNAP benefits have had to turn to food pantries and other emergency food networks. Yet these networks have already been struggling to fill a growing gap in the face of other cutbacks in nutrition assistance from the federal government—including \$500 million in food deliveries cut by USDA earlier this year⁹—leading to an unprecedented reliance on already overwhelmed food banks.¹⁰

The loss of SNAP benefits leads to food insecurity, and thus numerous negative health outcomes. For those with diet-sensitive chronic diseases like diabetes,

⁹ Tami Luhby, *Food Banks Scramble After USDA Halts \$500 Million in Deliveries*, CNN (Mar. 22, 2025), <https://www.cnn.com/2025/03/22/politics/food-banks-usda-delivery-halt>.

¹⁰ For example, Massachusetts’s four food banks need to provide 56 million additional meals to cover the gap left by lack of SNAP benefits for November (four times their distribution for an average month), or 28 million additional meals (two times their average monthly distribution) under the initial partial payment plan proposed by USDA. See Greater Boston Food Bank, *2025 Government Shutdown*, <https://www.gbfb.org/2025-government-shutdown/> (last visited Nov. 11, 2025); Mary Kekatos, *Food Banks, Pantries See Surge in Demand After SNAP Benefits Halted*, ABC News (Nov. 4, 2025), <https://abcnews.go.com/Health/food-banks-pantries-surge-demand-after-snap-benefits/story?id=127128220>; Katie Johnston and Mara Kardas-Nelson, *The Crisis in Food Aid Is Being Felt Far and Wide, from Needy Families to Small Grocers and Local Farms*, BOSTON GLOBE (Oct. 26, 2025), <https://www.bostonglobe.com/2025/10/26/metro/food-stamps-snap-suspended-november-shutdown/>.

hypertension, and chronic kidney disease, even temporary lack of access to nutritious food can have fatal results.¹¹ For children, food insecurity is associated with anxiety, depression, and behavioral issues, as well as physical health problems such as anemia and vitamin deficiencies, which in turn lead to impaired growth and development and increased hospitalizations.¹² The harms stemming from food insecurity have ripple effects on the administration of state services. For example, food insecurity is associated with higher healthcare use and costs, including emergency room visits and hospitalizations.¹³ In Massachusetts, “up to an estimated \$1.3 billion in emergency room and inpatient hospitalization costs . . . may be related to food insecurity[,]” with “hospitalizations that could be attributed to food insecurity among Medicaid recipients total[ling] up to \$878 million annually for adults and \$373 million for children.”¹⁴ The ongoing loss of full SNAP benefits will thus further burden state healthcare systems.

¹¹ Sarah Todd, *When SNAP Benefits Run Out, ‘People Can Die,’ Say Health Experts*, STAT NEWS (Oct. 27, 2025), <https://www.statnews.com/2025/10/27/snap-benefits-cut-off-nov-1-government-shutdown/>.

¹² See, e.g., Jessica Lyons, *Loss of SNAP Benefits Linked to Economic Hardship, Poor Health*, HEALTHCITY (May 6, 2019), <https://healthcity.bmc.org/loss-snap-benefits-linked-economic-hardship-poor-health/>; Craig Gunderson and James P. Ziliak, *Food Insecurity and Health Outcomes*, 34 HEALTH AFF. 11 (2015), <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2015.0645>.

¹³ Seth A. Berkowitz, et al., *Food Insecurity, Healthcare Utilization, and High Cost: A Longitudinal Cohort Study*, AM. J. OF MANAGING CARE (Sept. 2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6426124/>.

¹⁴ Mass General Brigham, *Mass General Brigham, Greater Boston Food Bank Release Food Access Study, Revealing 2 Million Food-Insecure Adults in Massachusetts*, (June 17, 2025), (continued on the next page)

Food insecurity also disrupts children’s education: research demonstrates that a child’s academic performance improves on the day a SNAP benefit payment arrives.¹⁵ Children who go without food struggle to focus in school, adversely affecting their educational performance and advancement.¹⁶ The timely and regular provision of SNAP benefits is thus an important part of states’ efforts to keep students learning and thriving in school.

In addition, the delay and reduction of benefits to date has impaired Amici States’ ability to administer their programs, eroding public confidence and imposing operational challenges. The affected state agencies operate a host of federal and state programs beyond SNAP. The confusion resulting from millions of state residents simultaneously losing essential benefits has diverted critical resources from these other programs during a crucial period of reorganization required by H.R.1 (the “One Big Beautiful Bill Act” enacted in July 2025). State agencies have had to repeatedly change their case management systems to accommodate the changing guidance from USDA; communicate and manage updates to the production schedule with their vendors; address high-volume demand on their web portals and mobile apps; invest

<https://www.massgeneralbrigham.org/en/about/newsroom/press-releases/2025-greater-boston-food-bank-annual-food-access-report>.

¹⁵ Anna Gassman-Pines and Laura Bellows, *Food Instability and Academic Achievement: A Quasi-Experiment Using SNAP Benefit Timing*, 55 AM. EDUC. RSCH. J. 5 (Mar. 2018), 897-927, <https://doi.org/10.3102/0002831218761337>.

¹⁶ Meredith Hickson, et al., *Too Hungry to Learn: Food Insecurity and School Readiness*, CHILDREN’S HEALTHWATCH (Sept. 13, 2013), <https://childrenshealthwatch.org/too-hungry-to-learn-food-insecurity-and-school-readiness/>.

in numerous forms of outreach to communicate the changing state of play to residents; and address the many SNAP recipients who seek recourse and answers from state agencies, including over call lines, at local offices, and in meetings with stakeholders. Moreover, to cover the deficiency caused by the delay in SNAP benefits, some states have diverted state money from other sources to temporarily provide benefits or other food assistance to residents.

To compound these harms, Applicants have threatened states that attempted to ensure prompt payment after the district court's order, and followed the November 7 guidance in good faith, with a host of penalties if those states failed to "undo any steps taken to issue full SNAP benefits for November 2025."¹⁷ The November 8 guidance (which has now been stayed by the Massachusetts district court, see *supra* at 7) offers no direction regarding the "steps" that states must take to avoid the threatened penalties, nor does it account for the fact that there are no established systems for retrieving benefits once issuance files are submitted to vendors and loaded onto EBT cards. Moreover, any attempt to claw back essential SNAP funds would be cruel, raise potential due process concerns (and corresponding legal risk), and damage the reputation of state agencies and faith in the SNAP system. State agencies are the public face of SNAP, and an unprecedented claw back of SNAP benefits would create the harmful and incorrect public perception that state agencies have failed or engaged in wrongdoing.

¹⁷ *Massachusetts v. U.S.D.A.*, 1:25-cv-13165 (D. Mass. Nov. 9, 2025), Doc. No. 79-1 at 4-5.

SNAP benefits directly fund a basic human need: access to food. Failure to deliver on that basic need is a deep violation of residents' trust. That violation would be exacerbated by the sudden termination of food assistance that would follow from the stay sought here. This Court should not further Applicants' erosion of that trust by granting this application.

CONCLUSION

This Court should deny the application for a stay.

Dated: November 11, 2025

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