

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DEMOCRATIC NATIONAL COMMITTEE,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, THE WHITE
HOUSE OFFICE, OFFICE OF MANAGEMENT
AND BUDGET, and U.S. DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

Civil Action No. 1:26-cv-3506 (LLA)

**DNC’S MOTION FOR A TEMPORARY RESTRAINING ORDER
(OR PRELIMINARY INJUNCTION) AND § 705 STAY**

Pursuant to Federal Rule of Civil Procedure 65, the Democratic National Committee (DNC) respectfully moves for a temporary restraining order (or preliminary injunction) prohibiting Defendants White House Office, Office of Management and Budget (OMB), and U.S. Department of Homeland Security (DHS) from continuing to use Congressionally appropriated funds to develop or air “publicity and propaganda” advertisements (the Propaganda Ads). The DNC further respectfully moves for a § 705 stay under the Administrative Procedure Act (APA), staying OMB’s allocation of federal funds for the purpose of airing the Propaganda Ads and DHS actions to air the Propaganda Ads. The DNC requests expedited consideration because the advertisements are currently being aired, with less than 30 days remaining before the midterm election, voting is ongoing in every state in the country, and millions of public dollars illegally apportioned to pay for the propaganda advertisements are still unspent. Expedited consideration is further necessary because Defendant President Donald J. Trump publicly stated on October 5 that the Propaganda

Ads would no longer be paid for by the federal government, yet the ads have continued to air with the disclaimer “Paid for by the U.S. Government.”

As explained in the accompanying memorandum, Defendants are using taxpayer dollars to air the Propaganda Ads, a blatant violation of the statutory ban on the use of appropriations for “publicity or propaganda purposes.” *See* Consolidated Appropriations Act for FY2026, Pub. L. No. 119-75, § 718, 140 Stat. 173, 495 (2026). Defendant White House Office crafted the partisan campaign, Defendant OMB shifted \$20 million to pay for it, and Defendant DHS has carried it out. These unlawful actions are *ultra vires* and violate the APA. The DNC is likely to succeed on its claims because using taxpayer dollars to air the Propaganda Ads violates a core principle of modern appropriations law: federal funds may not be used for “publicity or propaganda.” *See, e.g., D.C. Common Cause v. Dist. of Columbia*, 858 F.2d 1 (D.C. Cir. 1988). Absent immediate relief, Plaintiff faces ongoing electoral and competitive injury. The balance of equities and public interest favor preserving the funds and preventing unconstitutional discrimination and retaliation.

The DNC respectfully requests that the Court:

1. Enjoin the White House Office, OMB, and DHS from continuing to develop and air propaganda ads using Congressionally appropriated public funds;
2. Stay final agency action by OMB and DHS to fund and air the ads using taxpayer dollars;
3. Require the White House Office, OMB, and DHS to file a status report by 5:00 p.m. Eastern Time on a Tuesday October 13, or a subsequent date of this Court’s choosing, describing their compliance with the Court’s order.

Pursuant to Local Civil Rule 65.1, Counsel for the DNC emailed the directors of the Federal Programs Branch of the Department of Justice and the civil chief of the U.S. Attorney’s Office of

the District of Columbia to inform them of the filing of the complaint in this matter and Plaintiff's intention to file this motion by the end of the week at 12:23PM on Thursday, October 9, 2026, attaching an as-filed copy of the complaint. Counsel for the DNC and Counsel for Defendants have since met and conferred and will file a joint motion for entry of a scheduling order governing the instant motion. Counsel for the DNC will provide counsel for Defendants with as-filed copies of this motion and supporting papers contemporaneously with this filing.

This motion is supported by the accompanying memorandum of law and accompanying materials. A proposed order is attached hereto.

Dated: October 9, 2026

Respectfully submitted,

/s/ Benjamin B. Klubes
Benjamin B. Klubes
(Bar No. 428852)
Adam Miller
(Bar No. 496339)
Klubes Law Group
1717 K Street NW, Suite 900
Washington, DC 20006
(202) 753-5054
blkubes@klubeslaw.com
amiller@klubeslaw.com

/s/ Daniel J. Freeman
Daniel J. Freeman
(Bar No. 90038422)
Democratic National Committee
430 South Capitol Street SE
Washington, DC 20003
(202) 863-8000
freemand@dnc.org

Counsel for Democratic National Committee