

November 8, 2025

**By ECF**

Anastasia Dubrovsky  
Clerk of Court  
The Court of Appeals for the First Circuit  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210

Re: *Rhode Island State Council of Churches, et al., v. Brooke Rollins, et al.*, No. 25-2089

The plaintiffs in *Massachusetts v. USDA*, No. 1:25-CV-13165-IT (D. Mass. Oct. 29, 2025)—26 States and Governors—submit this letter as an urgent factual supplement to their amicus brief tendered yesterday, to notify this Court of pertinent and significant recent developments relevant to the defendants’ pending motion for a stay pending appeal in this case.

**States have obtained additional information regarding the precarious circumstances created by the federal defendants—who moved for a stay of the District of Rhode Island’s temporary restraining orders after States had begun the process of facilitating full benefits for November, and despite the USDA expressly assuring the States that it was in the process of implementing full benefits.**

The States filed an action in the District of Massachusetts to challenge the same withholding of SNAP benefits at issue in this appeal. Like the Plaintiffs here, the States have experienced the significant confusion the federal government has created around the payment of SNAP benefits—first agreeing to provide partial benefits, then filing a motion to stay in the First Circuit, then informing States that it would provide full benefits, and then filing a motion to stay in the Supreme Court. The States write here to apprise the court of significant developments affecting their agencies and relevant to the Court’s resolution of the defendants’ motion for a stay pending appeal.

Yesterday, on November 7, USDA notified the States that it was implementing full SNAP benefits for November, and would “complete the processes necessary to make funds available.” *See* Ex. A attached hereto; *see also Massachusetts v. USDA*, No. 1:25-CV-13165-IT (D. Mass. Oct. 29, 2025), Dkt. No. 75. USDA’s notice made no reference whatsoever either to its appeal of the District of Rhode Island’s temporary restraining orders or to its motion to stay those orders pending appeal. *See* Ex. A attached hereto. USDA’s assurances regarding its ongoing implementation of full benefits were likewise represented in follow-up oral conversations between at least one state agency and USDA’s Food and Nutrition Services (“FNS”).

The federal defendants did not advise the Supreme Court of these facts in their emergency petition submitted in the evening of November 7, 2025. *See* App. No. 25A539 (U.S. Nov. 7, 2025).

Following the District of Rhode Island’s November 6 order, and in some cases, prompted by USDA’s November 7 notice, many States began submitting files to their vendors for full November benefits. FNS has not sent any new notice, much less any centralized or coherent guidance

regarding how to navigate these unprecedented circumstances and what steps USDA will take to resolve the chaos created by its actions.

For instance, in Wisconsin, shortly following the District of Rhode Island's November 6 order, and following USDA's notice of appeal to the First Circuit—but prior to the filing of a request to stay proceedings—the Wisconsin Department of Health Services (DHS) submitted the full November benefits file to its vendor. The vendor then engaged in its normal processing steps, and full benefits were activated on EBT cards for Wisconsin beneficiaries at 12:01am Central Time on November 7. Wisconsin SNAP recipients have since been able to use their EBT cards to purchase food at participating retailers. At approximately 4:30am Central Time on November 7, however, the United States Treasury denied the transaction to authorize payment of full benefits in Wisconsin. As a result of the denial, the Treasury did not increase the Letter of Credit (LOC) on behalf of Wisconsin's benefits payments, as it normally would. The federal government's denial of authorization for these funds occurred despite the active court order and prior to the filing of any request from USDA for a stay of said order.

As a result, in Wisconsin, there are insufficient SNAP funds to reimburse retailers for the provisions sold to SNAP recipients. At this time Wisconsin has less than two days of cash remaining on the LOC based on current SNAP recipient spending. Wisconsin had a balance of about \$19.5 million as of 10:00p.m. on November 7. The daily spend from 12:01a.m. through 10:00p.m. on November 7 was approximately \$9.9 million. Without immediate action, Wisconsin DHS will likely exceed its LOC on Monday, November 10. Some States have likewise heard from their vendors that the LOC from the government to the vendors—like Wisconsin's letter—is only extended for partial benefits, despite the fact that States began to process full benefits in reliance on the court order and, later, many on USDA's representations in its November 7 notice.

A stay of the district court's temporary restraining orders would introduce even more chaos to an already chaotic series of events caused by the federal defendants. The States have received no communications from USDA regarding resolution of full benefits that have now been disbursed or are in the process of disbursement by the States' vendors. The federal government or the States' vendors may attempt to recoup funds from the States that the States' residents have used to feed themselves and their families. In many cases, the delta between partial and full benefits is substantial—and States could face demands to return hundreds of millions of dollars in the aggregate.

In sum, a stay of the district court's temporary restraining orders would risk catastrophic operational disruptions for the States, with a consequent cascade of harms for their residents.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2025, I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. Counsel of record for all parties are registered as ECF Filers and will therefore be served by the CM/ECF system.

/s/ Anna Lumelsky

Dated: November 8, 2025

# EXHIBIT A



# Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

**DATE:** November 7, 2025

**SUBJECT:** Updated Supplemental Nutrition Assistance Program (SNAP)  
November Benefit Issuance

**TO:** Regional Directors  
SNAP Division  
All Regions

SNAP State Agency Directors  
All State Agencies

FNS is working towards implementing November 2025 full benefit issuances in compliance with the November 6, 2025, order from the District Court of Rhode Island. Later today, FNS will complete the processes necessary to make funds available to support your subsequent transmittal of full issuance files to your EBT processor.

We will keep you as up to date as possible on any future developments and appreciate your continued partnership to serve program beneficiaries across the country. State agencies with questions should contact their FNS Regional Office representative.

Sincerely,

**PATRICK  
PENN**

Digitally signed by  
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Date: 2025.11.07  
12:25:13 -05'00'

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