

United States Senate

WASHINGTON, DC 20510

July 30, 2025

The Honorable Sri Srinivasan
Chief Judge
U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Ave. NW
Washington, DC 20001

Dear Chief Judge Srinivasan:

We write to bring to your attention the unusual administrative stay in *J.G.G. v. Trump*, which has delayed contempt proceedings implicating Principal Associate Deputy Attorney General Emil Bove, a nominee to be a judge on the U.S. Court of Appeals for the Third Circuit.

Mr. Bove has refused to provide complete answers to the Senate Judiciary Committee regarding his role in several matters reflecting on his fitness to serve as a federal judge, including whether he instructed Justice Department attorneys to be prepared to tell courts—including the court in *J.G.G.*—“fuck you” if they ruled against the government in cases challenging unlawful deportations. Mr. Bove also avoided questions about his participation in a scheme to convene, without predication, a District of Columbia federal grand jury investigation into funds appropriated by Congress and disbursed to the Greenhouse Gas Reduction Fund’s fiscal agent. Mr. Bove dodged questions about his role brokering the corrupt deal to drop charges against New York Mayor Eric Adams in exchange for New York City’s cooperation with federal immigration enforcement. And he ignored the Committee’s inquiries about his involvement in the Justice Department’s decision-making regarding public disclosures of files related to Jeffrey Epstein.

Of the myriad topics on which Mr. Bove has stonewalled the Committee, one is the subject of investigation in the U.S. District Court for the District of Columbia, which long ago initiated contempt proceedings regarding the Justice Department’s defiance of court orders, likely pursuant to Mr. Bove’s direction, in the *J.G.G.* case. Those proceedings would build a record and shed light on whether Mr. Bove instructed Justice Department attorneys to prepare to defy adverse court orders, and whether he or others were in contempt of court. But a panel of the D.C. Circuit has administratively stayed those contempt proceedings, without explanation, since April—102 days and counting.

It is hard to see why an administrative stay of this length, imposed “to give the court sufficient opportunity to consider the emergency motion” seeking a stay pending appeal,¹ would ever be justified. As you know, administrative stays ordinarily last for “hours or days,” not “weeks and certainly not months.”² As Justice Amy Coney Barrett wrote last year, an administrative stay is a temporary pause, imposed without regard to the usual stay factors, “to minimize harm while an

¹ *J.G.G. v. Trump*, No. 25-5124, 2025 WL 1151208, at *1 (D.C. Cir. Apr. 18, 2025).

² Alan Feuer, *Contempt Plan for Trump Aides Has Been Paused by Appeals Court for Months*, N.Y. Times (July 15, 2025), <https://www.nytimes.com/2025/07/15/us/politics/appeals-court-trump-contempt-el-salvador-deportation.html>.

appellate court deliberates” on a motion before it.³ She and Justice Kavanaugh appeared to find troubling the prospect of an administrative stay lasting roughly two weeks.⁴

It is also hard to understand why the panel has been so slow to respond to major developments while the administrative stay has been in place. Even when appellees filed and the government responded to a new whistleblower report on June 25 and 26 (almost 10 weeks after the administrative stay was issued), the panel waited another month to request supplemental briefing. And it did so only after appellees filed additional materials corroborating the whistleblower report on July 17. Even if the panel acts swiftly now that supplemental briefing has concluded, it may be too little too late.

Given the obvious relevance of the outcome of this contempt investigation to Mr. Bove’s fitness for judicial office, and the timing, the extraordinary length of the administrative stay raises alarming questions about whether the stay was imposed for the purpose of fending off honest fact-finding while this confirmation proceeding went forward.⁵


As Justice Barrett has recognized, “That such stays are ‘administrative’ does not mean they are value neutral.”⁶ We sincerely hope that the delay is not related in any way to Mr. Bove’s nomination, but absent explanation, the public and Congress are left to speculate about whether this abnormally long administrative stay is the result of some sort of concerted effort to protect Mr. Bove. As members of the Judiciary Committee minority, and of the Courts Subcommittee, it certainly feels like a political play was run in which two of your judges participated. We encourage you, as the chief judge responsible for overseeing judicial administration within the D.C. Circuit, to get to the bottom of what led to this extraordinary delay and to issue a public explanation on behalf of your court.

Thank you for your attention to this matter.

Sincerely,



Sheldon Whitehouse
United States Senator
Ranking Member,
Subcommittee on Federal
Courts, Oversight, Agency
Action, and Federal Rights



Richard Blumenthal
United States Senator

³ *United States v. Texas*, 144 S. Ct. 797, 798 (Barrett, J., concurring).

⁴ *Id.* at 798.

⁵ See Rules for Judicial-Conduct and Judicial-Disability Proceedings, Rule 4(b)(2) (recognizing that cognizable misconduct includes having an improper motive for deliberately delaying a particular decision).

⁶ *United States v. Texas*, 144 S. Ct. at 798 (Barrett, J., concurring).