


7-7-2017

Hawaii Judge Watson Declines to Clarify Scope of Preliminary Injunction on Executive Order 13,780

Peter Margulies

Roger Williams University School of Law, pmargulies@rwu.edu

Follow this and additional works at: http://docs.rwu.edu/law_fac_fs

 Part of the [Immigration Law Commons](#), [President/Executive Department Commons](#), and the [Supreme Court of the United States Commons](#)

Recommended Citation

Pater Margulies, Hawaii Judge Watson Declines to Clarify Scope of Preliminary Injunction on Executive Order 13,780, *Lawfare* (July 7, 2017, 9:30 AM), <https://www.lawfareblog.com/hawaii-judge-watson-declines-clarify-scope-preliminary-injunction-executive-order-13780>

This Article is brought to you for free and open access by the Law Faculty Scholarship at DOCS@RWU. It has been accepted for inclusion in Law Faculty Scholarship by an authorized administrator of DOCS@RWU. For more information, please contact mwu@rwu.edu.

Hawaii Judge Watson Declines to Clarify Scope of Preliminary Injunction on Executive Order 13,780

By **Peter Margulies** Friday, July 7, 2017, 9:30 AM

Late last night, Judge Derrick Watson of the U.S. District Court for the District of Hawaii denied Hawaii's motion for clarification of the scope of the court's preliminary injunction in the challenge to President Trump's revised refugee Executive Order (EO).

In light of the Supreme Court's June 26 decision to partially lift the court's injunction regarding Sections 2(c), 6(a), and 6(b) of the EO, Hawaii had sought clarification on two issues: (1) whether grandparents, grandchildren, and other relatives count as having a "bona fide relationship" with a U.S. person under the Supreme Court's stay and thus are not restricted by the EO; (2) whether a refugee organization like the U.S. Conference of Catholic Bishops establishes a bona fide relationship with a refugee abroad when the aid group provides assurances to the U.S. government that it will assume responsibility for assisting the refugee's resettlement in the United States. The government's latest guidance answers both questions in the negative.

In denying Hawaii's motion, Judge Watson declined to rule on its merits. Rather, Judge Watson ruled that since the Supreme Court had granted the stay, Hawaii should seek relief from the Supreme Court, not the District Court. According to Judge Watson, a district court should defer to the Supreme Court's "exercise of discretion and judgment" in fashioning a stay. Judge Watson's ruling means that we may well see an emergency request from Hawaii to either the Ninth Circuit or the Supreme Court within the next week.

Update: Hawaii has appealed Judge Watson's order denying its emergency motion to the Ninth Circuit.

Topics: [Travel Ban](#)

Tags: [Hawaii v. Trump](#), [IRAP v. Trump](#), [Derrick K. Watson](#), [Travel Ban](#)

Peter Margulies is a professor at Roger Williams University School of Law, where he teaches Immigration Law, National Security Law and Professional Responsibility. He is the author of *Law's Detour: Justice Displaced in the Bush Administration* (New York: NYU Press, 2010).