



U.S. Department of Justice  
Civil Division

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Tel: 202-305-1754

VIA CM/ECF

November 9, 2025

Anastasia Dubrovsky  
Clerk of Court  
United States 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. Rollins et al*, No. 25-2089 (1st Cir.)

Defendants provide notice of the attached USDA memorandum, dated November 8, 2025, which informs States of the administrative stay issued in *Rhode Island State Council of Churches, et al. v. Rollins*, 25-cv-569 (D.R.I.). The memorandum further directs States to “continue to process and load the partial issuance files that reflect the 35 percent reduction of maximum allotments detailed in the November 5 guidance.”

USDA is aware that certain States have submitted payment files for full November benefits. This was unauthorized. The States were not parties to the Rhode Island injunction, and in any event, the injunction itself was not self-executing, but required USDA to take action during the day of November 7, 2025. Dkt. 34 at 26-27. USDA’s regulations further make clear that States must implement a reduction in benefits once one is ordered absent further directions from USDA. *See* 7 C.F.R. § 271.7(a)-(h).

Indeed, USDA made it clear to States on November 7 that they should not submit any files until further direction, stating that it “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.” See <https://www.fns.usda.gov/snap/updated-supplemental-nutrition-assistance-program-snap-november-benefit-issuance> (Nov. 7, 2025) (emphasis added).

Moreover, the Defendants filed an initial notice of appeal from the order requiring full payment at approximately 5:15PM on Thursday, November 6. To the extent that States decided to submit their files early – knowing that Defendants had appealed the Court’s injunction and intended to seek a stay, and in the face of direction to the contrary – they are responsible for the consequences of that action. See *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 418 (2013) (explaining that defendants are not responsible for plaintiffs’ self-inflicted injuries). Any such consequences, however, would be in the form of new agency action and are not the subject of this lawsuit.

Sincerely,

/s/ Laura E. Myron

Laura E. Myron

Counsel for Defendants-Appellants

**CERTIFICATE OF SERVICE**

I certify that on November 9, 2025, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system, which will serve all counsel of record.

/s/ Laura E. Myron  
LAURA E. MYRON

**CERTIFICATE OF COMPLIANCE**

I certify that this letter complies with the word limitations of Federal Rule of Appellate Procedure 28(j) because it contains 320 words.

/s/ Laura E. Myron  
LAURA E. MYRON



U.S. DEPARTMENT OF AGRICULTURE

**DATE:** November 8, 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

This memorandum is a follow up to the guidance shared on October 10, October 24, November 4, November 5, and November 7, 2025, regarding Supplemental Nutrition Assistance Program (SNAP) benefits for November 2025.

The U.S. Supreme Court granted the U.S. Department of Agriculture an administrative stay of the orders issued by the District Court of Rhode Island in *Rhode Island State Council of Churches, et al. v. Rollins*, 25-cv-569. Pending any explicit direction to the contrary from Food and Nutrition Service (FNS), States must not transmit full benefit issuance files to EBT processors. Instead, States must continue to process and load the partial issuance files that reflect the 35 percent reduction of maximum allotments detailed in the November 5 guidance.

To the extent States sent full SNAP payment files for November 2025, this was unauthorized. Accordingly, States must immediately undo any steps taken to issue full SNAP benefits for November 2025. Please advise the appropriate FNS Regional Office representative of steps taken to correct any actions taken that do not comply with this memorandum.

Per 7 CFR 271.7(h), failure to comply with this memorandum may result in USDA taking various actions, including cancellation of the Federal share of State administrative costs and holding States liable for any overissuances that result from the noncompliance.

We are committed to keeping you as up to date as possible 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  
PATRICK PENN  
Date: 2025.11.08  
21:42:19 -05'00'

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services  
U.S. Department of Agriculture