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No. 25-2089

United States Court of Appeals  
for the First Circuit

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RHODE ISLAND STATE COUNCIL OF CHURCHES; NATIONAL COUNCIL OF  
NONPROFITS; SERVICE EMPLOYEES INTERNATIONAL UNION; MAIN  
STREET ALLIANCE; CITY OF CENTRAL FALLS; CITY OF PAWTUCKET;  
CITY OF PROVIDENCE; CITY OF ALBUQUERQUE; CITY OF BALTIMORE;  
CITY OF COLUMBUS; CITY OF DURHAM; CITY OF NEW HAVEN; AMOS  
HOUSE; DR. MARTIN LUTHER KING, JR. COMMUNITY CENTER; EAST BAY  
COMMUNITY ACTION PROGRAM; FEDERAL HILL HOUSE ASSOCIATION;  
THE MILAGROS PROJECT; UNITED WAY OF RHODE ISLAND; NEW YORK  
LEGAL ASSISTANCE GROUP; BLACK SHEEP MARKET,  
*Plaintiff-Appellees,*

v.

BROOKE ROLLINS, in her official capacity as Secretary of the United States  
Department of Agriculture; UNITED STATES DEPARTMENT OF AGRICULTURE;  
RUSSELL VOUGHT, in his official capacity as Director of the United States Office  
of Management and Budget; U.S. OFFICE OF MANAGEMENT AND BUDGET;  
SCOTT BESSENT, in his official capacity as Secretary of the United States  
Department of the Treasury; UNITED STATES DEPARTMENT OF THE  
TREASURY; UNITED STATES OF AMERICA,  
*Defendant-Appellants.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
RHODE ISLAND

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**BRIEF OF MASSACHUSETTS; ARIZONA; CALIFORNIA, COLORADO;  
CONNECTICUT; DELAWARE; THE DISTRICT OF COLUMBIA;  
HAWAI'I; ILLINOIS; LAURA KELLY, in her official capacity as Governor  
of the State of Kansas; OFFICE OF THE GOVERNOR ex rel. Andy Beshear,  
in his official capacity as Governor of the Commonwealth of Kentucky;  
MAINE; MARYLAND; MICHIGAN; MINNESOTA; NEVADA; NEW  
JERSEY; NEW MEXICO; NEW YORK; NORTH CAROLINA; OREGON;  
JOSH SHAPIRO, in his official capacity as Governor of the Commonwealth  
of Pennsylvania; RHODE ISLAND; VERMONT; WASHINGTON; and**

**WISCONSIN AS AMICI CURIAE IN SUPPORT OF APPELLEES AND IN  
OPPOSITION OF STAY PENDING APPEAL AND IMMEDIATE  
ADMINISTRATIVE STAY**

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**TABLE OF CONTENTS**

INTRODUCTION & STATEMENT OF INTEREST OF AMICI .....1

ARGUMENT.....2

    I.    Defendants’ Decision to Issue Only Partial Benefits Has  
          Sown Chaos Among the States, and Will Result in  
          Benefit Delays of Weeks or Months in Multiple States. ....2

    II.   States and Their Residents Have Been Severely Harmed  
          by the Delay in Benefits.....7

CONCLUSION .....12

TABLE OF AUTHORITIES

| Statutes, Rules, and Regulations | Page(s) |
|----------------------------------|---------|
| 7 C.F.R. § 271.2.....            | 5       |
| 7 C.F.R. § 273.10.....           | 6       |
| H.R.1 .....                      | 11      |

Other Authorities

|                                                                                                                                                                                                                                                                                                                                                                                                 |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Anna Gassman-Pines & Laura Bellows, <i>Food Instability and Academic Achievement: A Quasi-Experiment Using SNAP Benefit Timing</i> , 55 AM. EDUC. RSCH. J. 897 (2018), <a href="https://doi.org/10.3102/0002831218761337">https://doi.org/10.3102/0002831218761337</a> .....                                                                                                                    | 10 |
| Craig Gunderson and James P. Ziliak, <i>Food Insecurity and Health Outcomes</i> , 34 HEALTH AFFS. 1830 (2015), <a href="https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2015.0645">https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2015.0645</a> .....                                                                                                                            | 9  |
| <i>Distribution of SNAP participants by age, fiscal year 2023</i> , U.S. DEP’T OF AGRIC. (last visited Nov. 7, 2025), <a href="https://www.ers.usda.gov/data-products/chart-gallery/chart-detail?chartId=54640">https://www.ers.usda.gov/data-products/chart-gallery/chart-detail?chartId=54640</a> .....                                                                                       | 7  |
| Eric Adelson, et al., <i>Down to \$1.18: How Families Are Coping With SNAP Cuts</i> , THE N.Y. TIMES (Nov. 7, 2025) <a href="https://www.nytimes.com/2025/11/07/us/politics/snap-benefits-cuts-shutdown.html">https://www.nytimes.com/2025/11/07/us/politics/snap-benefits-cuts-shutdown.html</a> .....                                                                                         | 7  |
| Jessica Lyons, <i>Loss of SNAP Benefits Linked to Economic Hardship, Poor Health</i> , HEALTHCITY (May 6, 2019), <a href="https://healthcity.bmc.org/loss-snap-benefits-linked-economic-hardship-poor-health/">https://healthcity.bmc.org/loss-snap-benefits-linked-economic-hardship-poor-health/</a> .....                                                                                    | 9  |
| Katie Johnston and Mara Kardas-Nelson, <i>The Crisis in Food Aid Is Being Felt Far and Wide, from Needy Families to Small Grocers and Local Farms</i> , BOSTON GLOBE (Oct. 26, 2025), <a href="https://www.bostonglobe.com/2025/10/26/metro/food-stamps-snap-suspended-november-shutdown/">https://www.bostonglobe.com/2025/10/26/metro/food-stamps-snap-suspended-november-shutdown/</a> ..... | 8  |

Luis Nuñez and Katie Bergh, *Administration Won’t Spend All SNAP Funds It Says Are Available, Leading to Deep Benefit Cuts for Low-Income Households*, CENTER ON BUDGET AND POLICY PRIORITIES: OFF THE CHARTS (Nov. 5, 2025), <https://www.cbpp.org/blog/administration-wont-spend-all-snap-funds-it-says-are-available-leading-to-deep-benefit-cuts> .....5

Mary Kekatos, *Food Banks, Pantries See Surge in Demand After SNAP Benefits Halted*, ABC NEWS (Nov. 4, 2025), <https://abcnews.go.com/Health/food-banks-pantries-surge-demand-after-snap-benefits/story?id=127128220>.....8

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Meredith Hickson, et al., *Too Hungry To Learn: Food Insecurity And School Readiness*, CHILDREN’S HEALTHWATCH (Sept. 13, 2013) <https://childrenshealthwatch.org/too-hungry-to-learn-food-insecurity-and-school-readiness/>.....10

Sarah Todd, *When SNAP Benefits Run Out, ‘People Can Die,’ Say Health Experts*, STAT NEWS (Oct. 27, 2025), <https://www.statnews.com/2025/10/27/snap-benefits-cut-off-nov-1-government-shutdown/> .....9

Seth A. Berkowitz, et al., *Food Insecurity, Healthcare Utilization, and High Cost: A Longitudinal Cohort Study*, AM. J. OF MANAGING CARE (Sept. 2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6426124/> .....9

*SNAP – Fiscal Year 2026 Cost-of-Living Adjustments*, U.S. DEP’T OF AGRIC. (last accessed Nov. 7, 2025), <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-cola-fy26memo.pdf> .....6

Tami Luhy, *Food Banks Scramble After USDA Halts \$500 Million in Deliveries*, CNN (Mar. 22, 2025), <https://www.cnn.com/2025/03/22/politics/food-banks-usda-delivery-halt>.....8

THE GREATER BOSTON FOOD BANK (last visited Nov. 7, 2025), <https://www.gbfb.org/2025-government-shutdown/> .....8

Tony Romm, *Some SNAP Recipients May Not Receive Food Stamps Under White House Policy*, THE N. Y. TIMES (Nov. 5, 2025), <https://www.nytimes.com/2025/11/05/us/politics/snap-payments-white-house.html> .....5

## **INTRODUCTION & STATEMENT OF INTEREST OF AMICI**

Amici States write in support of Plaintiff-Appellees and in opposition to Defendants' motion for a stay pending appeal and immediate administrative stay. This litigation profoundly impacts Amici States, both because states administer the SNAP program and because millions of our residents rely on SNAP benefits to meet their daily food needs. Moreover, loss or reduction of such benefits has a ripple effect on other state services, as increased food insecurity creates a strain on state safety net programs, and healthcare and educational institutions.

Despite the availability of funds to pay full November benefits, Defendants announced on November 3 that they would pay only partial benefits. In the few days since, Defendants have issued a confusing series of guidance documents and updates, rife with errors. Amici States have worked diligently to understand the implications of these partial payment plans—the most recent of which was issued on Wednesday evening—for their residents. Multiple Amici States have now determined that the recalculations required by Defendants' plan will delay November benefits for their residents for weeks or months, and could create substantial risks of error. This is not a surprising development; indeed, Defendants predicted such lengthy delays but refused to issue full benefits anyway. This choice was arbitrary and capricious. Every day Defendants fail to issue full

benefits causes harm to millions of SNAP recipients. Defendants' motion for a stay pending appeal and an immediate administrative stay should be denied.

## **ARGUMENT**

### **I. Defendants' Decision to Issue Only Partial Benefits Has Sown Chaos Among the States, and Will Result in Benefit Delays of Weeks or Months in Multiple States.**

For a number of Amici States, USDA's decision to issue partial rather than full benefits may result in their residents receiving *no* SNAP benefits in November. But even for states that may be able to implement USDA's partial payment plan more quickly, the process has been confusing and chaotic.<sup>1</sup>

Numerous states have determined that implementing USDA's partial benefits plan will take weeks or even months, leaving their residents to go hungry in the interim, or attempt to get by with already-stretched state resources. This is because implementation of USDA's partial payment scheme requires states to undertake cumbersome administrative procedures that they have never before had to implement on a system-wide scale. To follow USDA's guidance, states must calculate the reduced amount of SNAP benefits for each eligible household and

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<sup>1</sup> In light of USDA's guidance, and the Court's subsequent TRO order, Amici States have taken a range of steps, including sending benefit issuance files, to facilitate prompt benefit issuance to the millions of people being harmed as the government continues to delay. Granting the federal government's request to stay would threaten to sow chaos and confusion even as some state agencies have taken reasonable steps to ensure benefits can get out.

then convey that information to third-party vendors who load the allotted amounts onto recipients' Electronic Benefit Transfer Cards. Many states' existing systems require complete reprogramming to accomplish this task, and given the sudden—and suddenly changing—nature of USDA's guidance, that task is impossible to complete quickly. For example, the Minnesota Department of Children, Youth, and Families determined that it would take at least six weeks to rewrite its computer systems' source code to implement the partial payment plan, and at least another six weeks to rewrite the code to revert to full benefits whenever they resume. Similarly, the Pennsylvania Department of Human Services informed USDA that implementing the reduction tables would require completely restructuring Pennsylvania's system and would take a minimum of 9 to 12 business days. New Jersey estimates re-coding its internal system would take a minimum of four to six weeks. The state of Washington is unsure how long it would take to reprogram its system, but estimates that one approach could take about a month, though this approach would result in pervasive inaccuracies in the state's records that would need to be corrected later. And Oregon reports that it may be able to recode its system in a shorter period, but only by reassigning 570 employees exclusively to the task.

This was all predictable; indeed, Defendants knew many states would experience profound delays. In related litigation involving 25 states and the

District of Columbia currently pending in the District of Massachusetts, Defendants stated that requiring the states to implement a partial benefits process would likely result in “substantial chaos.” *Massachusetts v. United States Dep’t of Agric.*, No. 1:25-CV-13165-IT (D. Mass. Oct. 29, 2025) (“D. Mass. litigation”), Dkt. No. 17 at 15. And in a later notice to the court in the same litigation, they stated their “understanding” that their partial benefits plan would cause delays in benefit distributions “anywhere from a few weeks to up to several months.” D. Mass. litigation, Dkt. No. 48-1 at 8 ¶ 29. In other words, Defendants knew that issuing partial rather than full benefits could result in millions of SNAP beneficiaries receiving *no* benefits in November.

The chaos unleashed by Defendants’ partial benefits plan—even in states that can implement the plan more quickly—also underscores the unreasonableness of their conduct and the risks of granting a stay here. The partial payment plan Defendants first issued on November 4 did not fully exhaust the SNAP contingency fund, contrary to Defendants’ own representations to the court, and in violation of Defendants’ legal obligations, as recognized by district courts in both Rhode Island and Massachusetts. *See, e.g.*, D. Mass. litigation, Dkt. No. 26 at 14 (“This court has now clarified that Defendants are required to use those Contingency Funds as necessary for the SNAP program.”). According to an analysis published by the Center for Budget and Policy Priorities (CBPP), the

USDA’s November 4 scheme would have used “only about \$3 billion in November, about two-thirds of the \$4.65 billion” available in the contingency fund. *See* CBPP, *Administration Won’t Spend All SNAP Funds It Says Are Available, Leading to Deep Benefit Cuts for Low-Income Households* (Nov. 5, 2025)<sup>2</sup>; *see also* Tony Romm, *Some SNAP Recipients May Not Receive Food Stamps Under White House Policy*, N.Y. Times (Nov. 5, 2025).<sup>3</sup> This critical error sowed further confusion for states desperately trying to get benefits to their residents quickly.

Then, on the evening of November 5, Defendants issued yet another plan, apparently in recognition of the fact that their initial plan was unlawful. The reduction tables issued as part of that plan appear to continue to violate the applicable regulations, however, as they set minimum benefits for certain one or two-person households as low as zero, below the minimum prescribed by regulation. *See* 7 C.F.R. § 271.2 (defining minimum benefit as “the minimum monthly amount of SNAP benefits that one- and two-person households receive,”

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<sup>2</sup> Luis Nuñez and Katie Bergh, *Administration Won’t Spend All SNAP Funds It Says Are Available, Leading to Deep Benefit Cuts for Low-Income Households*, CENTER ON BUDGET AND POLICY PRIORITIES: OFF THE CHARTS (Nov. 5, 2025), <https://www.cbpp.org/blog/administration-wont-spend-all-snap-funds-it-says-are-available-leading-to-deep-benefit-cuts> [<https://perma.cc/EJ7Z-JL8E>].

<sup>3</sup> Tony Romm, *Some SNAP Recipients May Not Receive Food Stamps Under White House Policy*, THE N. Y. TIMES (Nov. 5, 2025), <https://www.nytimes.com/2025/11/05/us/politics/snap-payments-white-house.html> [<https://perma.cc/PSY5-WCNG>].

and providing that the “amount of the minimum benefit shall be determined according to the provisions of 7 C.F.R. § 273.10 of this chapter”); USDA, Memorandum on SNAP Fiscal Year 2026 Cost-of-Living Adjustments (Aug. 13, 2025)<sup>4</sup> (setting minimum benefits at \$24 for recipients in the continental U.S. and \$41 for recipients in Hawai‘i). *Amici* seeking benefits for residents in dire need have struggled to keep up with Defendants’ whipsawing instructions.

Much of this could have been avoided, as the district court in this case correctly recognized, had Defendants moved expeditiously to address this crisis on October 1, when the government shutdown began, or even on October 10, when Defendants warned the states that the shutdown could cause a shortfall of funds for the SNAP program. *See* Memorandum and Order (Dkt. No 34), *Rhode Island State Council of Churches v. Rollins*, No. 1:25-cv-569 (D.R.I. Nov. 6, 2025), at 3-7 (detailing history of Defendant’s actions). Instead, Defendants waited until October 24 to announce that they would withhold SNAP benefits entirely during the pendency of the shutdown, and then chose a path they knew would create delays and chaos when ordered to disburse funds to the program.

This Court should deny Defendants’ application. Defendants are not entitled

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<sup>4</sup> *SNAP – Fiscal Year 2026 Cost-of-Living Adjustments*, U.S. DEP’T OF AGRIC. (last accessed Nov. 7, 2025), <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-cola-fy26memo.pdf> [<https://perma.cc/4ERW-7BNK>].

to emergency relief when the emergency results from their own lack of diligence and threatens millions of Americans facing food insecurity.

## **II. States and Their Residents Have Been Severely Harmed by the Delay in Benefits.**

States and their residents depend on SNAP benefits, and the loss of such benefits has already caused harm to millions of Americans, while producing cascading impacts on states. On November 1, 42 million Americans, including approximately 16 million children,<sup>5</sup> should have received SNAP benefits to pay for food. Every day that passes is another day that families and individuals without benefits struggle to meet their most basic needs, choosing between food, gas, housing, and healthcare; worrying about how to pay for their baby's medically-necessary formula; cutting back on their own meals so there is food for their children; sneaking into department store dumpsters; visiting a food pantry for the first time ever because they depended on SNAP to supplement their wages.<sup>6</sup>

Over the past six days, recipients whose EBT cards were not loaded with their expected monthly SNAP benefits have had to turn to food pantries and other

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<sup>5</sup> *Distribution of SNAP participants by age, fiscal year 2023*, U.S. DEP'T OF AGRIC. (last visited Nov. 7, 2025), <https://www.ers.usda.gov/data-products/chart-gallery/chart-detail?chartId=54640> [<https://perma.cc/BH6M-ZJXC>].

<sup>6</sup> Eric Adelson, et al., *Down to \$1.18: How Families Are Coping With SNAP Cuts*, N.Y. TIMES (Nov. 7, 2025), <https://www.nytimes.com/2025/11/07/us/politics/snap-benefits-cuts-shutdown.html> [<https://perma.cc/X5RH-ZEPP>].

emergency food networks. Yet these networks have already been struggling to fill a growing gap in the face of other cutbacks in nutrition assistance from the federal government—including \$500 million in food deliveries cut by USDA earlier this year<sup>7</sup>—leading to an unprecedented reliance on already overwhelmed food banks.<sup>8</sup>

Due to the significant administrative challenges posed by Defendants’ partial payment plan for many states, millions of SNAP recipients nationwide have, to date, not yet received even partial SNAP benefits. Some recipients may continue to wait weeks or even months to receive benefits under that plan. Moreover, even once the plan is implemented, it entitles many recipients to no benefits at all, or only minimal and insufficient amounts. Allowing Americans to go hungry for weeks or months when a viable alternative presents itself is arbitrary and

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<sup>7</sup> Tami Luhy, *Food Banks Scramble After USDA Halts \$500 Million in Deliveries*, CNN (Mar. 22, 2025), <https://www.cnn.com/2025/03/22/politics/food-banks-usda-delivery-halt> [<https://perma.cc/9KPR-T83X>].

<sup>8</sup> For example, Massachusetts’s four food banks need to provide 56 million additional meals to cover the gap left by lack of SNAP benefits for November (four times their distribution for an average month), or 28 million additional meals (two times their average monthly distribution) under the initial partial payment plan proposed by USDA. *See* 2025 Government Shutdown, THE GREATER BOSTON FOOD BANK (last visited Nov. 7, 2025), <https://www.gbfb.org/2025-government-shutdown/> [<https://perma.cc/6A3X-U3KG>]; Mary Kekatos, *Food Banks, Pantries See Surge in Demand After SNAP Benefits Halted*, ABC NEWS (Nov. 4, 2025), <https://abcnews.go.com/Health/food-banks-pantries-surge-demand-after-snap-benefits/story?id=127128220> [<https://perma.cc/EN4Z-PB2A>]; Katie Johnston & Mara Kardas-Nelson, *The Crisis in Food Aid Is Being Felt Far and Wide, from Needy Families to Small Grocers and Local Farms*, BOSTON GLOBE (Oct. 26, 2025), <https://www.bostonglobe.com/2025/10/26/metro/food-stamps-snap-suspended-november-shutdown/> [<https://perma.cc/3YQN-B46X>].

capricious, and will lead to serious and compounding harms for both recipients and States.

The loss of SNAP benefits leads to food insecurity, and thus numerous negative health outcomes. For those with diet-sensitive chronic diseases like diabetes, hypertension, and chronic kidney disease, even temporary lack of access to nutritious food can have fatal results.<sup>9</sup> For children, food insecurity is associated with anxiety, depression, and behavioral issues, as well as physical health problems such as anemia and vitamin deficiencies, which in turn lead to impaired growth and development and increased hospitalizations.<sup>10</sup> The harms stemming from food insecurity have ripple effects on the administration of state services. For example, food insecurity is associated with higher healthcare use and costs, including emergency room visits and hospitalizations.<sup>11</sup> In Massachusetts,

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<sup>9</sup> Sarah Todd, *When SNAP Benefits Run Out, 'People Can Die,' Say Health Experts*, STAT NEWS (Oct. 27, 2025), <https://www.statnews.com/2025/10/27/snap-benefits-cut-off-nov-1-government-shutdown/> [<https://perma.cc/2PTL-9MTH>].

<sup>10</sup> See, e.g., Jessica Lyons, *Loss of SNAP Benefits Linked to Economic Hardship, Poor Health*, HEALTHCITY (May 6, 2019), <https://healthcity.bmc.org/loss-snap-benefits-linked-economic-hardship-poor-health/> [<https://perma.cc/DW8Q-MCBG>]; Craig Gunderson & James P. Ziliak, *Food Insecurity and Health Outcomes*, 34 HEALTH AFFS. 1830 (2015), <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2015.0645> [<https://perma.cc/WCU3-2GF4>].

<sup>11</sup> Seth A. Berkowitz, et al., *Food Insecurity, Healthcare Utilization, and High Cost: A Longitudinal Cohort Study*, AM. J. OF MANAGING CARE (Sept. 2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6426124/> [<https://perma.cc/5HQG-2RVQ>].

“up to an estimated \$1.3 billion in emergency room and inpatient hospitalization costs . . . may be related to food insecurity[,]” with “hospitalizations that could be attributed to food insecurity among Medicaid recipients total[ing] up to \$878 million annually for adults and \$373 million for children.”<sup>12</sup> The ongoing loss of full SNAP benefits will thus further burden state healthcare systems.

Food insecurity also disrupts children’s education: research demonstrates that the day a SNAP benefit payment arrives affects a child’s academic performance.<sup>13</sup> Children who go without food struggle to focus in school, impacting their educational performance and advancement.<sup>14</sup> The timely and regular provision of SNAP benefits is thus integral to States’ efforts to keep students learning and thriving in school.

Moreover, the delay and reduction of benefits has already begun to impact

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<sup>12</sup> *Mass General Brigham, Greater Boston Food Bank Release Food Access Study, Revealing 2 Million Food-Insecure Adults in Massachusetts*, MASS GENERAL BRIGHAM (June 17, 2025), <https://www.massgeneralbrigham.org/en/about/newsroom/press-releases/2025-greater-boston-food-bank-annual-food-access-report> [<https://perma.cc/6RBB-36GY>].

<sup>13</sup> Anna Gassman-Pines & Laura Bellows, *Food Instability and Academic Achievement: A Quasi-Experiment Using SNAP Benefit Timing*, 55 AM. EDUC. RSCH. J. 897 (2018), <https://doi.org/10.3102/0002831218761337> [<https://perma.cc/WV65-LDSQ>].

<sup>14</sup> Meredith Hickson, et al., *Too Hungry To Learn: Food Insecurity And School Readiness*, CHILDREN’S HEALTHWATCH (Sept. 13, 2013), <https://childrenshealthwatch.org/too-hungry-to-learn-food-insecurity-and-school-readiness/> [<https://perma.cc/PY35-4ZLP>].

states' ability to administer their programs, eroding public confidence and imposing operational challenges. The affected state agencies operate a host of federal and state programs beyond SNAP. The confusion resulting from millions of state residents simultaneously losing essential benefits has diverted critical resources from these other programs during a crucial period of reorganization required by H.R.1 (the "One Big Beautiful Bill Act" enacted in July 2025). State agencies have had to repeatedly change their case management systems to accommodate the changing guidance from USDA; communicate and manage updates to the production schedule with their vendors; address high-volume demand on their web portals and mobile apps; invest in numerous forms of outreach to communicate the changing state of play to residents; and address the many SNAP recipients who seek recourse and answers from state agencies, including over call lines, at local offices, and in meetings with stakeholders. Moreover, to cover the deficiency caused by the delay in SNAP benefits, some states have diverted state money from other sources to temporarily provide benefits or other food assistance to residents.

State agencies also risk damage to their reputations from the delay in SNAP benefits. To properly effectuate their programs, states must work to overcome stigma, misinformation, and other barriers to access. State agencies are the public face of SNAP, and the abrupt cessation of SNAP benefits—and ongoing delays to

provide an ever-changing amount of partial benefits—can create a public perception that state agencies have failed or engaged in wrongdoing. SNAP benefits directly fund a basic human need: access to food. Failure to deliver on that basic need is a deep violation of residents’ trust.

The harms to states will continue even if payments are made under Defendants’ partial benefit plan. Some households will not receive any SNAP benefits under that plan. For others, partial benefits will be insufficient, and stress on state-administered stop-gap measures will continue. Immediate full payment of SNAP benefits is the only relief adequate to address these harms.

### **CONCLUSION**

The Court should deny Defendants’ motion for stay pending appeal and immediate administrative stay.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 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 7, 2025