

GORSUCH, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 24A653

JAMES R. MCHENRY, III, ACTING ATTORNEY
GENERAL, ET AL. *v.* TEXAS TOP COP SHOP,
INCORPORATED, ET AL.

ON APPLICATION FOR STAY

[January 23, 2025]

The application for stay presented to JUSTICE ALITO and by him referred to the Court is granted. The December 5, 2024 amended order of the United States District Court for the Eastern District of Texas, case No. 4:24-cv-478, is stayed pending the disposition of the appeal in the United States Court of Appeals for the Fifth Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

JUSTICE GORSUCH, concurring in the grant of stay.

I agree with the Court that the government is entitled to a stay of the district court’s universal injunction. I would, however, go a step further and, as the government suggests, take this case now to resolve definitively the question whether a district court may issue universal injunctive relief. See *Labrador v. Poe*, 601 U. S. ___, ___–___ (2024) (GORSUCH, J., concurring in grant of stay) (slip op., at 4–5, 11–13); *Department of Homeland Security v. New York*, 589 U. S. ___, ___–___ (2020) (GORSUCH, J., concurring in grant of stay) (slip op., at 1–5).