

CLERKS OFFICE US DISTRICT COURT
AT CHARLOTTESVILLE, VA
FILED

LAURA A. AUSTIN, CLERK

Plaintiffs did not seek summary judgment on their constitutional claims and because the Court denies Defendants' cross-motion on these claims, they remain pending. However, arbitrary and capricious agency action necessarily lacks any rational basis. As such, Plaintiffs' constitutional claims appear to be coextensive with their successful APA challenge to the 2023 REMS. Given this unique posture, the Court **DIRECTS** the parties to file a joint status report within 10 days of this order setting forth their positions on how this case should proceed as to the

constitutional claims. The remand order will be entered following determination of the status of the constitutional claims.

It is so **ORDERED**.

Entered: July 23, 2026

Robert S. Ballou

Robert S. Ballou
United States District Judge