



Written by [R. Cort Kirkwood](#) on February 10, 2025

Trump Seeks Stay on Order From Judge Who Blocked DOGE Access to Treasury Data

The Trump Justice Department has filed a motion to block or modify a far-left federal judge's restraining order that blocked the Department of Government Efficiency from access to Treasury Department data.

Pursuant to a lawsuit filed by 19 blue-state attorneys general, the order of 1 a.m. on Saturday from Judge Paul Engelmayer said DOGE employees can't access Treasury data. DOGE has thus far documented billions of dollars of waste, fraud, and abuse in myriad government agencies, notably USAID.



AP Images

The order is so sweeping that it could prevent Treasury Secretary Scott Bessent from doing his job, DOJ claims, which means it trespasses the separation of powers.

President Donald Trump sounded off about the judge's order during an interview on Air Force One and during an pre-Super Bowl interview with Fox News talker Bret Baier. Engelmayer's order, he told Baier, is a "disgrace."

Today, Judge Engelmayer granted a temporary restraining order, barring DOGE affiliated-employees from gaining access to data from the Treasury Department, in the suit by states attorneys general. Find the suit, and more legal challenges to actions taken by the Trump... pic.twitter.com/5ibA12gOse

— Lawfare (@lawfare) [February 8, 2025](#)

The Lawsuit

On February 7, 19 far-left attorneys general, led by the corrupt Letitia James of New York, [sought a restraining order](#) in the federal court in New York's Southern District to stop Trump [from ending](#) widespread [graft and corruption](#) with the help of DOGE staff [who examined](#) federal spending data from the Treasury Department.

Noting that the states receive "billions of dollars in funds," the 60-page filing argues that the access threatens "federal programs [that] provide vital services for their residents, including Medicaid (the single largest federal funding stream to the Plaintiffs), FEMA funds for disaster relief and management, Edward Byrne JAG grants essential to law enforcement and criminal justice programs, education funding, and foster care programs."

That's the long way of saying Trump threatens to toss them off the gravy train.

The lawsuit argues that DOGE threatens to expose "sensitive personally identifiable information ... including social security and bank account numbers, as well as confidential financial information about the amount and type of payment being made."



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“Unlawful” Access

Trump “unlawfully granted access to [Bureau of Fiscal Services] systems,” the [lawsuit alleges](#), and DOGE chieftain Elon Musk “began publicly stating his intention to recklessly freeze streams of federal funding without warning.”

The five-count lawsuit alleges two violations of the Administrative Procedure Act with actions “exceeding statutory authority” and “contrary to law,” another violation for “arbitrary and capricious” actions, a fourth for *ultra vires* actions, and last, violating the separation of powers by “usurping legislative authority.”

[Appointed by](#) former President Barack Obama, activist Judge Engelmayer agreed and blocked DOGE access until a hearing before [Judge Jeannette Vargas](#) on February 14. There the administration must explain why the court shouldn’t block DOGE. Former President Joe Biden appointed Vargas.

Engelmayer’s order, however, also bars political appointees from access to Treasury data. That would include the treasury secretary and his deputies.

Overbroad Order

Thus did DOJ seek a stay or modification of the order today.

“A federal court, consistent with the separation of powers, cannot insulate any portion of that work from the specter of political accountability,” the [filing argues](#):

No court can issue an injunction that directly severs the clear line of supervision Article II requires. Because the Order on its face draws an impermissible and anti-constitutional distinction, it should be dissolved immediately.

Calling the order “markedly overbroad,” the appeal called the inclusion of political appointees “an extraordinary and unprecedented judicial interference with a Cabinet secretary’s ability to oversee the Department he was constitutionally appointed to lead. Interfering with those basic functions, even for a day, will cause irreparable harm to the government.”

As well, other than one special employee, Thomas Krause, “no political appointees, special government employees, or government employees detailed from an agency outside the Treasury Department had any level of access to any applicable payment or data systems.”

Trump, Vance, Musk React

During an interview with reporters on Air Force One, Trump unloaded on Engelmayer.

“When a president can’t look for fraud and waste and abuse, we don’t have a country anymore,” Trump said:

So, we’re very disappointed with the judges that would make such a ruling, but we have a long way to go. We have to look; we have to find all of the fraud that’s going on. We have tremendous fraud, tremendous waste and tremendous abuse and theft, by the way. ... No judge should frankly be allowed to make that kind of a decision. It’s a disgrace.

President Trump responds to the decision by an unelected district court judge who assumed control over the entire executive branch:



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"When a president can't look for fraud and waste and abuse, we don't have a country anymore." pic.twitter.com/9sgCkM3ROR

— Rapid Response 47 (@RapidResponse47) [February 9, 2025](#)

"I think it's crazy," he told Baier before the Super Bowl. "We have to solve the efficiency problem. We have to solve the fraud, waste, abuse."

Vice President J.D. Vance said Engelmayer doesn't have the legal authority to issue such an order.

"If a judge tried to tell a general how to conduct a military operation, that would be illegal," Vance wrote on X:

If a judge tried to command the attorney general in how to use her discretion as a prosecutor, that's also illegal.

Judges aren't allowed to control the executive's legitimate power.

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Judges aren't allowed to control the executive's legitimate power.

— JD Vance (@JDVance) [February 9, 2025](#)

It's time <https://t.co/DA69TdZEoN>

— Elon Musk (@elonmusk) [February 9, 2025](#)

Musk, meanwhile, wants the rogue judge tossed from the bench, as he wrote in two post-midnight X posts.

"It's time," he wrote in reposting Insurrection Barbie's call for the judge's impeachment.

Over a post from Glenn Beck, Musk wrote that Engelmayer is "a corrupt judge protecting corruption. He needs to be impeached NOW!"

A corrupt judge protecting corruption.

He needs to be impeached NOW! <https://t.co/zgnwZuOz2Y>

— Elon Musk (@elonmusk) [February 9, 2025](#)

Article II, Section 4 of the U.S. Constitution [provides for](#) the impeachment of the president, vice president, and "all civil officers" of the government.



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