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August 4, 2025

Via ECF

Molly C. Dwyer
Clerk of Court
The James R. Browning Courthouse
95 7th Street,
San Francisco, CA 94103

Re: *Thakur, et al. v. Trump, et al.*, No. 25-4249
Notice Regarding NSF's Actions Against UCLA

Dear Ms. Dwyer:

Plaintiffs file this letter under Federal Rules of Appellate Procedure 28(j) to alert the Court to new developments relating to matters discussed at the July 31, 2025 hearing.

At the hearing, the Court's first question was why the National Science Foundation ("NSF") did not seek a stay of the district court's preliminary injunction, while the Environmental Protection Agency and the National Endowment for the Humanities did. The government's lawyer said that NSF did not want to cut off grants, restart grants, and then cut off grants again.

On Friday, August 1 (the day after the hearing), in letters dated July 30 (*the day before the hearing*) and August 1, the Trump administration indefinitely suspended substantial funding from the NSF to researchers at UCLA. *See* Attachs. 1 & 2. The government's lawyer never mentioned this to the Court, even though UCLA researchers are part of the two classes certified by the district court, and even though the preliminary injunction is directed at NSF.



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The July 30 letter from Ms. Lisa Scott-Morring, NSF's Acting Division Director of Grants and Agreements to Dr. Julio Frenk, UCLA's Chancellor says, "Effective immediately, the attached awards are suspended until further notice." Attach. 1. This is indistinguishable from the grant terminations enjoined by the district court. The letter repeats the language used earlier when grants were cut off: "The agency has determined that suspension of certain awards is necessary because they are not in alignment with current NSF priorities and/or programmatic goals." *Id.*

The indefinite grant suspensions were effected without notice, hearing, or findings of fact as required by the Constitution and federal law. As with the earlier cut off of grants, they were done without individual explanation and, in part, based on the viewpoints expressed.

Because defendant NSF did not seek a stay from the Ninth Circuit, today plaintiffs are submitting a request to the district court to enforce its preliminary injunction. Nonetheless, plaintiffs thought it important to bring this to this Court's attention because defendants' actions are pertinent to their candor toward this Court in seeking a partial stay.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tony A.", followed by a long horizontal line extending to the right.

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APS
Attachments

cc: All Counsel of Record (Via ECF)

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Attachment 1

**U.S. National Science Foundation
Division of Grants and Agreements
2415 Eisenhower Avenue
Alexandria, Virginia 22314**

July 30, 2025

Dr. Julio Frenk
Chancellor
University of California – Los Angeles
2147 Murphy Hall
Los Angeles, CA 90095

Ref: Notice of Award Suspensions

Dr. Frenk:

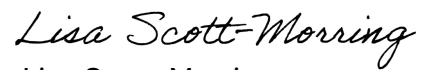
The U.S. National Science Foundation (NSF) has undertaken a review of its award portfolio. The agency has determined that suspension of certain awards is necessary because they are not in alignment with current NSF priorities and/or programmatic goals. NSF understands that the University of California – Los Angeles continues to engage in race discrimination including in its admissions process, and in other areas of student life, as well as failing to promote a research environment free of antisemitism and bias. We have considered reliance interests and they are outweighed by the NSF's policy concerns.

Effective immediately, the attached awards are suspended until further notice.

NSF is issuing this suspension to protect the interests of the government pursuant to NSF Grant General Conditions (GC-1) term and condition entitled 'Termination and Enforcement,' on the basis that the awards no longer effectuate program goals or agency priorities. This is the final agency decision and not subject to appeal.

Costs incurred as a result of this suspension may be reimbursed, provided such costs would otherwise be allowable under the terms of the award and the governing cost principles. In accordance with your award terms and conditions, you have 30 days from the suspension date to furnish an itemized accounting of allowable costs incurred prior to the suspension date.

Sincerely,

A handwritten signature in black ink that reads "Lisa Scott-Moring". The script is cursive and fluid, with the first name "Lisa" and last name "Moring" being more prominent than the middle name "Scott".

Lisa Scott-Moring
Acting Division Director
Division of Grants and Agreements
U.S. National Science Foundation

Attachment 2

August 1, 2025

Dr. Julio Frenk
Chancellor
University of California – Los Angeles
2147 Murphy Hall
Los Angeles, CA 90095

Ref: Updated Notice of Award Suspensions

Dr. Frenk:

I write you with an update on our prior letter of July 30, 2025. This letter supplements our previous communication.

Pursuant to 2 Code of Federal Regulations (CFR) § 200.339(c), and our previous communications, UCLA is officially notified that the National Science Foundation (NSF) is hereby suspending the attached list of grant awards to the University of California Los Angeles (UCLA). UCLA should immediately cease all activities on these award numbers. The purpose of this action is to address concerns reported and observed in UCLA programs and ensure compliance with applicable Federal statutes and regulations, and the terms and conditions of these Federal awards. This action is effective 7/30/2025.

Noncompliance:

NSF has identified the following specific examples of noncompliance:

- UCLA engages in racism, in the form of illegal race-based preferences in admissions practices;
- UCLA fails to promote a research environment free of antisemitism and bias;
- UCLA discriminates against and endangers women by allowing men in women's sports and private women-only spaces.

With respect to admissions, although UCLA expressly disclaims reliance on race, NSF believes that UCLA's "holistic review" admissions process, which considers factors such as an applicant's neighborhood/zip code, family income, and school profile—and invites the disclosure of an applicant's race via personal statements—is a transparent attempt to engage in race-based admissions in all but name.¹

¹ UCLA, Newsroom, FAQ: Supreme Court ruling on race-conscious college admissions, June 29, 2023, <https://newsroom.ucla.edu/stories/faq-supreme-court-ruling-on-affirmative-action> (last accessed July 28, 2025); UCLA, Newsroom, UCLA Experts: The Supreme Court's affirmative action decisions, June 2, 2023, <https://newsroom.ucla.edu/advisories/ucla-experts-supreme-court-affirmative-action-decisions> (last accessed July 28, 2025); UCLA, Newsroom, How UCLA has responded to Proposition 209, June 29, 2023, <https://newsroom.ucla.edu/releases/how-ucla-has-responded-to-proposition-209> (last accessed July 28, 2025); *see generally* UCLA, Application Review Process for First-Years, <https://admission.ucla.edu/apply/first-year/first-year-requirements/application-review-process> (last accessed July 25, 2025).

With respect to antisemitism, UCLA's own Task Force to Combat Antisemitism and Anti-Israeli Bias at UCLA revealed that Jewish students, faculty, and staff were subjected to threats, assaults, swastika graffiti, and hostile slogans during the 2024 pro-Palestinian encampment.^{2 3} The above incidents are antithetical to the safe and welcoming environment necessary for effective research, for which UCLA receives millions of dollars in taxpayer funds through NSF grants.

Finally, NSF is seriously concerned that UCLA's policy of allowing males to compete in women's sports and utilize women-only facilities has created an unsafe environment for women that further threatens the integrity of the campus research environment.⁴

Requested Action:

Based on UCLA's failure to comply with federal requirements, policies, and procedures, NSF is suspending the attached awards. NSF has considered UCLA's reliance interests in continued availability of funding under the attached list of grants, and they are outweighed by the concerns identified above. This action is effective immediately as authorized under 2 CFR § 200.339 *Remedies for noncompliance*, and NSF Grant General Conditions (GC-1). As such, UCLA must cease all activities on the awards and immediately discontinue drawing down funds from the Award Cash Management Service (ACM\$) for any expenses incurred after receipt of this letter. For each award, please submit a draw request to ACM\$ for any expenses that occurred prior to July 30, 2025, no later than COB August 29, 2025 with the appropriate justification.

Corrective Actions:

NSF is willing to work with UCLA to identify corrective actions to bring UCLA into compliance. UCLA must acknowledge in writing its willingness to discuss these corrective actions by August 15.

Please submit your written corrective action plan to NSF outlining the steps you will take to address the identified deficiencies, including responsible parties and expected completion dates, as required under NSF PAPPG Chapter XII.B.4, which states that "Corrective actions must be documented in writing and approved by NSF prior to implementation." As further outlined in 2 CFR § 200.521, your response should enable NSF to evaluate whether the proposed actions are sufficient to resolve the findings and, if applicable, determine any necessary financial adjustments or enforcement measures.

Assuming corrective actions are agreed upon by UCLA and NSF, NSF will determine whether UCLA has established effective internal control over its Federal awards by adopting procedures that provide NSF with a reasonable assurance that the organization will be managing its Federal awards in compliance with Federal statutes, regulations, and award terms and conditions. *See* 2 CFR § 200.303 (Internal controls).

² Antisemitism and Anti-Israeli Bias at UCLA, Oct. 16, 2024, chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.antisemitismreport.org/ (last accessed July 25, 2025).

³ *Id.* at 24.

⁴ *See generally* UCLA Gender Recognition Taskforce: Recommendations Report, 2020, available at <https://ucla.app.box.com/s/21hdsdcnopsixi66x5fhcfcjblki243y> (last accessed July 25, 2025).

Please note that under 2 CFR § 200.340, NSF may move to terminate an award for reasons including if the recipient has failed to comply with the terms and conditions of an award.

We look forward to hearing from you. Please direct any questions or concerns to Lisa Scott-Morring, Acting Division Director, Division of Grants and Agreements, U.S. National Science Foundation.

Sincerely,

A handwritten signature in black ink that reads "Lisa Scott-Morring". The script is cursive and fluid, with the first name "Lisa" and last name "Scott-Morring" clearly distinguishable.

Lisa Scott-Morring
Acting Division Director
Division of Grants and Agreements
U.S. National Science Foundation