

EXPLAINER

What Courts Can Do If the Trump Administration Defies Court Orders

Judges have a range of tools for enforcing their orders in the face of noncompliance.



Yasmin Abusaif



Douglas Keith

Published February 14, 2025

The Courts

⇒ SHARE

More than 10 federal courts have temporarily [halted](#) [\[link-1\]](#) or rejected actions by the new Trump administration on issues ranging from spending to birthright citizenship. Dozens more lawsuits against the administration's early actions are pending. However, statements by top Trump adviser Elon Musk and Vice President JD Vance

[openly challenging](#) [\[link-2\]](#) judicial authority have raised the possibility that the administration may ignore court rulings it opposes. Already, one judge has [determined](#) [\[link-3\]](#) that the Trump administration is not taking sufficient action to follow their orders. So, what happens if the government refuses to obey federal court decisions?

PART OF

[\[link-4\]](#)

Explainers [▶ \[link-5\]](#)

MORE ON

[Federal Courts \[link-6\]](#)

As the Supreme Court has [explained \[link-7\]](#), it is a “basic proposition that all orders and judgments of courts must be complied with promptly.” Courts can — and often do — step in when their rulings are defied. Here’s an overview of the tools available to federal courts to compel compliance, or punish noncompliance, with their decisions.

How can federal courts enforce their orders?

Courts have several important tools available to enforce their orders, including contempt proceedings and attorney sanctions. Judges regularly use at least some of these enforcement tools against the private parties and government officials who appear before them.

Holding parties in contempt

In the face of noncompliance, a federal court can use the contempt power to either compel the party to take action or punish them for failing to follow an order. The Supreme Court has [recognized \[link-8\]](#) this power as “essential to . . . the enforcement of the judgments, orders, and writs of the courts,” and thus inherent in courts’ authority. This power dates back to the [founding era \[link-9\]](#) when it was codified through the Judiciary Act of 1789.

There are two types of contempt proceedings, civil and criminal, both of which can result in sanctions, fines, and in extreme cases, jail time. Federal courts have broad discretion to determine whether a party is in contempt of court, as oftentimes the judge is the [sole decision-maker \[link-10\]](#) as to whether to bring and issue contempt citations (unless it’s a serious criminal penalty and is brought to a jury).

Civil contempt is primarily remedial, meaning that the court’s goal is to enforce *future* compliance with the court order, and a party can avoid punishment by simply complying with the court order. For instance, a civil contempt order might impose a daily fine that accrues until an order is complied with, such as in 2022, when a New York state court held President Trump in civil contempt and fined him [\\$110,000](#) [\[link-11\]](#) in total — \$10,000 a day for each day his legal team failed to submit explanations for not turning over documents.

Criminal contempt requires increased procedural safeguards and is intended to punish a disobedient party, and unlike most civil contempt penalties, the defendant can’t take action to avoid punishment. However, the president has the power to [pardon](#) [\[link-12\]](#) those convicted of criminal contempt. Trump controversially exercised this authority in 2017 to pardon former Maricopa County Sheriff Joe Arpaio, who was held in criminal contempt after he violated a

court’s order to stop detaining suspected undocumented immigrants.

Public officials are [well within the scope](#) [\[link-13\]](#) of the judiciary’s contempt power. Although federal courts have never held a sitting president [in contempt](#) [\[link-14\]](#) of court, they have used the power to compel action by and punish government agencies, officials, and civil servants responsible for carrying out government actions. The Environmental Protection Agency, for instance, was [held](#) [\[link-15\]](#) in civil contempt of court for failure to comply with a court order mandating that the agency preserve certain records.

Likewise, in 2019, then–Secretary of Education Betsy DeVos was [found in contempt](#) [\[link-16\]](#) for violating a court order to stop collecting on loans owed by students defrauded by for-profit colleges. The court fined the Department of Education \$100,000 and ordered that the money be directed to the defrauded students. In another example, a district judge [ordered](#) [\[link-17\]](#) the arrest of a Kentucky county clerk who had

disregarded a court order to resume issuing marriage licenses, which her office had suspended to protest the Supreme Court’s decision to legalize same-sex marriage.

Issuing stricter orders

Before starting contempt proceedings, a judge who believes that a party is not adhering to a court order will often reiterate the order and identify specific benchmarks the party must meet to demonstrate compliance. We have already seen an example of this process play out in 2025. After plaintiffs challenged Trump’s executive order freezing federal grants and loans, U.S. District Judge John McConnell issued a temporary restraining order requiring officials to unfreeze the funds. Several days later, the plaintiffs complained that the funds remained frozen, and the government’s lawyers [argued](#) [\[link-18\]](#) that the administration was following its reading of the court’s “ambiguous” order. McConnell ultimately [determined](#) [\[link-19\]](#) that the Trump administration had

violated the “plain language” of his “clear and unambiguous” order. He stopped short of finding the government in contempt, but he laid out in greater detail the funds that the government must restore to comply with his earlier order.

If litigants have exhausted all [other means](#) [\[link-20\]](#) to get the government to take action, they can also ask a court to issue a writ of mandamus, a rarely used (or needed) court order that compels a government official or employee to perform a legally required act. Courts’ power to issue writs of mandamus is codified in [federal law](#) [\[link-21\]](#), which expressly recognizes courts’ [authority](#) [\[link-22\]](#) to consider mandamus actions against federal officers or employees. However, courts can only compel officials to perform their [nondiscretionary and purely ministerial duties](#) [\[link-23\]](#), such as disbursing funds that are owed to a party.

Sanctioning attorneys

Courts also have broad disciplinary authority over attorneys and can sanction them for helping their clients deliberately defy a court order. Under the Federal Rules of Civil Procedure, for example, a court can [sanction](#) [\[link-24\]](#) attorneys who submit filings for an improper purpose, such as to cause unnecessary delay or knowingly make legally unsound arguments. The Federal Rules of Appellate Procedure, meanwhile, empower the appellate courts to [discipline](#) [\[link-25\]](#) attorneys for “conduct unbecoming a member of the bar or for failure to comply with any court rule.” Penalties can include fines, but judges can also go as far as to suspend or disbar attorneys for their refusal to cooperate.

Who do courts rely on to enforce orders?

While federal judges have clear authority to order sanctions, including fines and arrest, they ultimately rely on law enforcement and federal prosecutors to enforce penalties in the face of continued

noncompliance. The U.S. Marshals Service, which is part of the Justice Department, is the [primary enforcement arm](#) [\[link-26\]](#) of the federal courts. Courts often rely on marshals to serve summonses, subpoenas, and warrants, as well as make arrests, and [by law](#) [\[link-27\]](#), “it is the primary role and mission of the United States Marshals Service to . . . obey, execute, and enforce all orders of” the federal courts.

Courts also largely rely on federal prosecutors to pursue findings of criminal contempt. In most cases, the relevant U.S. attorney’s office will [accept](#) [\[link-28\]](#) a criminal contempt case at the request of the court and prosecute it as they would any other alleged violation of criminal law. However, judges are [authorized](#) [\[link-29\]](#) to appoint private attorneys to prosecute criminal contempt charges in the rare instances when the U.S. attorney declines to accept the case. (In 2023, the Supreme Court [declined](#) [\[link-30\]](#) to hear a petition by environmental lawyer Steve Donziger,

who claimed his criminal contempt prosecution by an appointed private attorney was unconstitutional.)

Have elected officials generally followed court orders?

Yes. Since the Civil War, presidents and other elected officials of both parties have respected their obligation to follow court decisions — even those with which they disagree. As President George W. Bush put it when the Supreme Court [held](#) [\[link-31\]](#) that detainees in Guantanamo Bay could challenge their confinement, “We’ll abide by the Court’s decision. That doesn’t mean I have to agree with it.”

Trump himself abided by this bedrock principle during his first term. In 2017, a federal court swiftly blocked his administration from enforcing his ban on people from seven majority-Muslim

countries entering the United States.

While Trump complained about the decision, his administration complied with the order, as it did with many others throughout his first term.

The last time the United States saw widespread open defiance of court orders by elected officials was when governors in Southern states refused to integrate their schools after the Supreme Court ruled against segregation in public education in *Brown v. Board of Education*. President Dwight Eisenhower — though he was no fan of the Court’s decision — ultimately dispatched troops to the South to help enforce the ruling, [saying](#) [\[link-32\]](#), “The Supreme Court has spoken and I am sworn to uphold the constitutional process in this country, and I will obey.” The governors’ efforts to defy court orders are widely acknowledged as one of the most shameful periods in U.S. history.

More from the Explainers collection ▶



The Alien Enemies Act, Explained

This detention and deportation power poses an alarming risk of abuse and rights violations in both wartime and peacetime.

[Katherine Yon Ebright](#)

May 1, 2025

[Explainer](#)

[READ MORE](#)



The Emoluments Clauses, Explained

The framers wanted to insulate the president and federal officials from corrupting influences, but a new law is needed to ensure effective enforcement.

[Eric Petry](#) // [Daniel I. Weiner](#)

May 28, 2025



Gerrymandering Explained

The practice has long been a thorn in the side of American democracy, but it's becoming a bigger threat than ever.

[Michael Li](#)

August 9, 2025

[Explainer](#)

[READ MORE](#)

STAY UP TO DATE

Informed citizens are democracy's best defense

First Name

Last Name

Email Address *

Zip Code *

SIGN ME UP

We respect [your privacy](#).

Links

- link-1:** halted <https://www.cnn.com/2025/02/11/politics/how-the-courts-have-kept-pace-with-trumps-breakneck-effort-to-remake-the-government/index.html>
- link-2:** openly challenging <https://www.nytimes.com/2025/02/09/us/politics/vance-trump-federal-courts-executive-order.html>
- link-3:** determined <https://apnews.com/article/funding-freeze-trump-federal-grants-loans-judge-ec9bf2700c41ec0ba4085d375599d295>
- link-4:** [/series/explainers](#)
- link-5:** Explainers [/series/explainers](#)
- link-6:** Federal Courts <https://www.brennancenter.org/topics/courts/federal-courts>
- link-7:** explained <https://supreme.justia.com/cases/federal/us/419/449/#opinions>
- link-8:** recognized <https://supreme.justia.com/cases/federal/us/86/505/>
- link-9:** founding era <https://www.archives.gov/milestone-documents/federal-judiciary-act>
- link-10:** sole decision-maker <https://www.fjc.gov/history/work-courts/contempt-power-federal-courts#:~:text=Contempt%20of%20court%20is%20a,the%20outcome%20of%20the%20case.>
- link-11:** \$110,000 <https://www.cbsnews.com/news/appeals-court-rules-trump-must-pay-110000-fine-for-contempt/>
- link-12:** pardon <https://crsreports.congress.gov/product/pdf/LSB/LSB10186>
- link-13:** well within the scope <https://harvardlawreview.org/print/vol-131/the-endgame-of-administrative-law/>
- link-14:** in contempt <https://www.justsecurity.org/38268/holding-federal-government-contempt-court-powers-judges-administration/>
- link-15:** held <https://casetext.com/case/landmark-legal-foundation-v-environmental-protection-agency>
- link-16:** found in contempt <https://www.nytimes.com/2019/10/24/us/politics/education-dept-loan-repayments-corinthian.html>
- link-17:** ordered <https://casetext.com/case/miller-v-davis-45>
- link-18:** argued <https://storage.courtlistener.com/recap/gov.uscourts.rid.58912/gov.uscourts.rid.58912.51.0.pdf?inline=1>
- link-19:** determined https://storage.courtlistener.com/recap/gov.uscourts.rid.58912/gov.uscourts.rid.58912.96.0_5.pdf?inline=1
- link-20:** other means <https://supreme.justia.com/cases/federal/us/542/367/>
-

link-21: federal law <https://www.law.cornell.edu/uscode/text/28/1651>

link-22: authority <https://www.law.cornell.edu/uscode/text/28/1361>

link-23: nondiscretionary and purely ministerial duties <https://supreme.justia.com/cases/federal/us/267/175/>

link-24: sanction https://www.law.cornell.edu/rules/frcp/rule_11

link-25: discipline https://www.law.cornell.edu/rules/frap/rule_46

link-26: primary enforcement arm <https://www.law.cornell.edu/uscode/text/28/566>

link-27: by law <https://www.law.cornell.edu/uscode/text/28/566>

link-28: accept <https://www.justice.gov/archives/jm/criminal-resource-manual-768-indirect-criminal-contempt-role-prosecutor>

link-29: authorized https://www.law.cornell.edu/rules/frcrmp/rule_42

link-30: declined https://www.supremecourt.gov/opinions/22pdf/22-274_2c8f.pdf?inline=1

link-31: held <https://www.nytimes.com/2008/06/13/washington/13scotus.html>

link-32: saying <https://www.cjonline.com/story/news/education/2019/05/05/brown-v-board-of-education-biographers-debate-eisenhowers-effect-on-desegregation/5249614007/>