No. 26-___

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

STATE OF ILLINOIS; DISTRICT OF COLUMBIA; STATE OF CALIFORNIA; COMMONWEALTH OF VIRGINIA; STATE OF ARIZONA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; STATE OF HAWAI'I; OFFICE OF THE GOVERNOR, *ex rel.* Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky; STATE OF MAINE; STATE OF MARYLAND; COMMONWEALTH OF MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF OREGON; Governor of the COMMONWEALTH OF PENNSYLVANIA; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; and STATE OF WISCONSIN,

Petitioners,

v.

UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as Secretary of Transportation; FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION; DEREK D. BARR, in his official capacity as Administrator of the Federal Motor Carrier Safety Administration; and UNITED STATES OF AMERICA,

Respondents.

PETITION FOR REVIEW

The State of Illinois; the District of Columbia; the States of California, Virginia, Arizona, Colorado, Connecticut, Delaware, Hawai'i, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin; the Office of the Governor, *ex rel.*

Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky; and the Governor of the Commonwealth of Pennsylvania ("petitioners") hereby petition this Court to review, under 28 U.S.C. § 2342(3)(A) and 2344 and Federal Rule of Appellate Procedure 15(a), the Federal Motor Carrier Safety Administration ("FMCSA")'s August 11, 2026 demand for 17 million driver records containing sensitive personal information (the "Data Demand") (Exhibit A), as well as all actions taken to implement that demand.

This petition for review is protective in nature. In petitioners' view, the federal district courts have jurisdiction to review the Data Demand under 28 U.S.C. § 1331 and 5 U.S.C. § 701 *et seq*., and petitioners have accordingly challenged respondents' actions in federal district court. *See Illinois v. U.S. Dep't of Transp.*, No. 1:26-cv-02547 (E.D. Va. filed Aug. 13, 2026). Respondents have argued that petitioners' claims belong instead in this Court pursuant to the Hobbs Act, which grants the federal courts of appeals exclusive jurisdiction over certain "rules, regulations, or final orders." 28 U.S.C. § 2342(3)(A); *see, e.g.*, Opp'n to Pls.' Mot. for Prelim. Inj. at 5-9, *Illinois*, No. 1:26-cv-02547 (Sept. 3, 2026) (Doc. 101). The district court has rejected that

position. Order Granting Prelim. Inj. at 3-7, *Illinois*, No. 1:26-cv-02547 (Sept. 17, 2026) (Doc. 113). Petitioners nonetheless file this petition out of an abundance of caution to protect their right to judicial review in the event the district court is held to lack jurisdiction and this Court is held to be the proper forum.

Petitioners petition this Court for review of the Data Demand on the ground that it is contrary to law in multiple respects and arbitrary and capricious, *see* 5 U.S.C. § 706(2)(A), (C), and that it violates the Spending Clause of the United States Constitution. If this Court has jurisdiction under the Hobbs Act, venue is appropriate because two petitioners, the Commonwealth of Virginia and the State of Maryland, reside in this judicial circuit. 28 U.S.C. § 2343; *see Glob. Van Lines, Inc. v. ICC*, 691 F.2d 773, 774 n.1 (5th Cir. 1982) (venue proper where "one of the petitioners" was at home in judicial circuit); *Burlington N., Inc. v. United States*, 549 F.2d 83, 85 n.1 (8th Cir. 1977) (same).

October 5, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2026, I filed a copy of this petition for review with the Clerk of the U.S. Court of Appeals for the Fourth Circuit using the CM/ECF system. Service of the petition by the Clerk under Federal Rule of Appellate Procedure 15(c) and Local Rule 15(b) should be made upon the following parties:

Sean Duffy, Secretary
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Derek D. Barr, Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

Todd Blanche, Attorney General
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

United States Attorney's Office for the Eastern District of Virginia
2100 Jamieson Ave.
Alexandria, VA 22314

I further certify that on October 5, 2026, I caused copies of this petition for review to be served on "each party admitted to participate in

the agency proceedings, except for the respondents." Fed. R. App. P. 15(c)(1). The list of the other parties served is:

American Association of Motor Vehicle Administrators
4250 Fairfax Drive, Suite 1000
Arlington, VA 22203

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Exhibit A
August 11, 2026
Data Demand

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

August 11, 2026

Ian Grossman
American Association of Motor Vehicle Administrators
4250 Fairfax Drive, Ste 1000
Arlington, VA 22203

Mr. Grossman,

We have received your letter of August 7, 2026. The Department of Transportation ("DOT") has been committed to working with the American Association of Motor Vehicle Administrators ("AAMVA") to ensure the timely production of the pointer records DOT requested in its initial June 25, 2026, letter. In that spirit, DOT consulted with the Department of Justice and promptly provided the assurances AAMVA requested in its July 24 letter to "facilitate [its] compliance" with DOT's production request.

However, despite AAMVA's representations indicating a willingness to produce the requested records, including representing in its July 24 letter "an expectation of transfer on or around August 17," AAMVA's letter of August 7 reneges on its prior commitment to produce the records and instead intends to subject the matter to yet another board vote on August 14, at which it may, or apparently may not, decide to produce the records subject to "an opt in or opt-out choice by the states." That is unacceptable. States have no veto over the production of records that AAMVA is holding on DOT's behalf, that DOT has statutory authority and responsibility to maintain, and that are urgently needed for the federal government to help prevent fatal trucking accidents involving the many drivers to whom States have improperly issued Commercial Driver's Licenses. *See* 49 U.S.C. § 31309. This is not "state data," and State laws and choices cannot override DOT's statutory authority or AAMVA's obligation to produce DOT's own records to DOT.

Given your shift in position, DOT has no choice but to take immediate action to secure the production of the requested pointer records. Today, the Department of Homeland Security will reissue the administrative subpoena it previously withdrew. Unless AAMVA provides DOT with the requested records by August 17, DOT will pursue all available options to secure production, including canceling AAMVA's grants, filing an enforcement action to enforce the subpoena, and considering terminating its contract with AAMVA.

1200 New Jersey Avenue, SE
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U.S. Department of Transportation
Federal Motor Carrier Safety Administration

We regret that AAMVA has reneged on its prior assurances of production by August 17, and hope that AAMVA will reconsider its position. In the event it does not, DOT will pursue all available options to obtain the records to which it is entitled.

Sincerely,

Rebecca Pettit

Rebecca Pettit
Chief Counsel