



CAFC Affirms CIT Decision Striking Down IEEPA Reciprocal Tariffs and Fentanyl Tariffs (August 29, 2025)

On August 29, the Court of Appeals for the Federal Circuit (CAFC) issued a significant [decision](#) affirming the decision of the Court of International Trade (CIT) against the Government's imposition of the IEEPA Reciprocal Tariffs and IEEPA Canada, Mexico, and China Fentanyl Tariffs issued under the International Emergency Economic Powers Act (IEEPA). However, collection of these Tariffs will continue, likely until after U.S. Supreme Court action.

The CAFC majority affirmed the CIT's decision that the IEEPA Executive Orders exceeded the authority delegated to the President by the IEEPA law. The CAFC also vacated the CIT's permanent injunction which universally enjoined enforcement of these IEEPA Tariffs, and remanded this issue back to the CIT to further consider injunctive relief and its scope.

However, the CAFC also issued an [Order](#) which delays issuance of its mandate to carry out its decision through October 14, 2025, to allow the parties time to file a petition for a writ of certiorari with the U.S. Supreme Court. Further action of the CIT is also withheld. In short, this means the CAFC decision will not take effect until after the U.S. Supreme Court either decides not to hear the case or the Supreme Court issues its decision.

In addition to the 45-page CAFC majority opinion signed by 7 CAFC judges, 4 CAFC judges issued 15 pages of additional views supporting the majority opinion, and 4 CAFC judges issued a 67-page dissenting opinion.

Please contact [Marshall Miller](#), [Brian Murphy](#), [Sean Murray](#), or [David Ostheimer](#) with questions.

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