

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 29, 2023

Lyle W. Cayce
Clerk

No. 22-30748

STATE OF LOUISIANA; STATE OF ALABAMA; STATE OF ALASKA;
STATE OF ARIZONA; STATE OF ARKANSAS; STATE OF FLORIDA;
STATE OF GEORGIA; STATE OF INDIANA; STATE OF IOWA;
STATE OF KANSAS; COMMONWEALTH OF KENTUCKY; STATE OF
MISSISSIPPI; STATE OF MISSOURI; STATE OF MONTANA; STATE
OF NEBRASKA; STATE OF NORTH DAKOTA; STATE OF OHIO;
STATE OF OKLAHOMA; STATE OF SOUTH CAROLINA; STATE OF
SOUTH DAKOTA; STATE OF TENNESSEE; STATE OF UTAH;
STATE OF WEST VIRGINIA; STATE OF WYOMING; SANDY BRICK,

Plaintiffs—Appellees,

versus

XAVIER BECERRA, *in his official capacity as Secretary of Health & Human
Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; ADMINISTRATION FOR CHILDREN & FAMILIES;
JOOYEUN CHANG, *in her official capacity as Principal Deputy Assistant for
Children & Families*; BERNADINE FUTRELL, *in her official capacity as the
director of the Office of Head Start*; JOSEPH R. BIDEN, JR.; OFFICE OF
HEAD START,

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Louisiana
USDC Nos. 2:21-CV-4386, 3:21-CV-4370

No. 22-30748

Before STEWART, CLEMENT, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

The district court permanently enjoined the U.S. Department of Health and Human Services, the Administration for Children and Families, and the Office of Head Start from implementing a rule requiring all staff at Head Start programs to be vaccinated against COVID-19. The government appealed. After briefing was complete, the government rescinded the challenged rule following the end of the COVID-19 public health emergency. The government now moves to (1) vacate the injunction and (2) remand to district court with instructions to dismiss the case as moot. Because the case is now moot, we VACATE the district court's permanent injunction but otherwise leave the district court's judgment and memorandum ruling in place. *See Freedom from Religion Found., Inc. v. Abbott*, 58 F.4th 824, 836–38 (5th Cir. 2023). This case is REMANDED to the district court for any other proceedings consistent with this opinion, to the extent necessary.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.