

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 22-11287-AA

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HEALTH FREEDOM DEFENSE FUND,  
a Wyoming Not-for-Profit Corporation,  
ANA CAROLINA DAZA,  
an individual,  
SARAH POPE,  
an individual,

Plaintiffs - Appellees,

versus

PRESIDENT OF THE UNITED STATES,  
SECRETARY OF HEALTH AND HUMAN SERVICES,  
THE CENTERS FOR DISEASE CONTROL,  
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
DIRECTOR OF THE CENTERS FOR DISEASE CONTROL  
AND PREVENTION, et al.,

Defendants - Appellants.

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Appeal from the United States District Court  
for the Middle District of Florida

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ORDER:

On April 10, 2023, President Biden signed into law H.J. Res. 7, ending the COVID-19 national emergency declared by President Trump on March 13, 2020. *See* Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, 85 Fed. Reg. 15337 (Mar. 18, 2020).

On appeal to this court in *Health Freedom Defense Fund, Inc. v. Biden* (No. 22-11287) were the questions of whether a CDC Order, Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs, 86 Fed. Reg. 8025 (Feb. 3, 2021), should be held unlawful for various reasons under 5 U.S.C. § 706(2), and whether the district court erred by granting nationwide relief.

However, the CDC Order only “remain[ed] in effect unless modified or rescinded based on specific public health or other considerations, or until the Secretary of Health and Human Services rescinds the determination under section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists.” 86 Fed. Reg. at 8030.

Given the national emergency has been terminated, the parties are DIRECTED to brief the issue of mootness. Briefs should be no greater than ten (10) pages and should be submitted within twenty-one (21) days of the filing of this court’s Order.

DAVID J. SMITH  
Clerk of the United States Court of  
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION