

No. 22-30303

**In the United States Court of Appeals
for the Fifth Circuit**

STATES OF ARIZONA, LOUISIANA, MISSOURI et al.,
Plaintiff-Appellees,

v.

CENTERS FOR DISEASE CONTROL AND PREVENTION et al.,
Defendant-Appellants,

and

INNOVATION LAW LAB,
Proposed-Intervenor-Defendants.

On Appeal from the U.S. District Court for the
Western District of Louisiana, No. 6:22-cv-00885-RRS-CBW

**PLAINTIFF STATES' RESPONSE TO
FEDERAL DEFENDANTS' MOTION TO DISMISS**

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Dated: May 26, 2023

RESPONSE

The Plaintiff States take no position as to whether Federal Defendants' May 12, 2023 motion to dismiss on mootness grounds and for a *Munsingwear* vacatur should be granted.

Dated: May 26, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with: (1) the type-volume limitation of Federal Rule of Appellate Procedure 29(a)(5) because it contains 27 words, excluding the parts exempted by Rule 32(f); and (2) the typeface and type style requirements of Rule 32(a)(5) and Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Century Schoolbook) using Microsoft Word (the program used for the word count).

s/ Drew C. Ensign
Drew C. Ensign

CERTIFICATE OF SERVICE

I, Drew C. Ensign, hereby certify that I electronically filed the foregoing Brief for Petitioners in with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system on May 26, 2023, which will send notice of such filing to all registered CM/ECF users.

s/ Drew C. Ensign
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