

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

Case No: 5:21-cv-01136-F

PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE

Plaintiffs hereby respond to this Court's January 17, 2023 Order to Show Cause, which directed Plaintiffs to address why this action should not be dismissed as moot, in whole or in part, in light of the Secretary of Defense's rescission of the COVID-19 vaccine requirement. *See* Order (ECF No. 72). The three State Plaintiffs—the State of Oklahoma, Governor Kevin J. Stitt, and Attorney General Gentner Drummond¹—intend to voluntarily dismiss their claims without prejudice pursuant to Fed. R. Civ. P. 41(a). The State Plaintiffs will do so no later than February 17, 2023. Over the next two weeks, the State Plaintiffs will continue to confer with the Individual Plaintiffs to determine which of them wish to voluntarily dismiss their claims.

¹ Attorney General Drummond was sworn in as Oklahoma's 19th Attorney General on January 9, 2023. He is automatically substituted as a Plaintiff pursuant to Fed. R. Civ. P. 25(d).

February 3, 2023

Respectfully submitted,

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