

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

**COLONEL FINANCIAL MANAGEMENT
OFFICER, *et al.*,**

Plaintiffs,

v.

LLOYD AUSTIN, in his official capacity as
Secretary of the United States Department of
Defense, *et al.*,

Defendants.

Case No. 8:22-cv-1275 (SDM/TGW)

NAVY SEAL 1, *et al.*,

Plaintiffs,

v.

LLOYD AUSTIN, in his official capacity as
Secretary of the United States Department of
Defense, *et al.*,

Defendants.

Case No. 8:21-cv-2429 (SDM/TGW)

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Local Rule 3.01(i), Defendants hereby notify the Court of supplemental authority related to the Defendants' pending Motion to Dismiss for Mootness, or for an Indicative Ruling to Dissolve Injunctions, ECF No. 275. Two additional Courts of Appeal have acted on mootness issues in cases challenging the armed services' vaccination requirements for COVID-19 following rescission of that requirement. Both the Eighth Circuit and the D.C. Circuit Courts of Appeals dismissed Service members' appeals from the denial of preliminary injunctions prohibiting enforcement of the military's COVID-19 vaccination requirement, finding

moot those requests for injunctive relief. *See Roth v. Austin*, No. 22-2058, 2023 WL 2531885 (8th Cir. Mar. 16, 2023) (unanimously concluding that issue was moot in light of statutory rescission); *Navy Seal 1 v. Austin*, Nos. 22-5114, 22-5135, 2023 WL 2482927 (D.C. Cir. Mar. 10, 2023) (per curiam) (dismissing appeals and vacating judgments as moot).

Dated: March 17, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

ALEXANDER K. HAAS
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Director

/s/ Amy. E. Powell
ANDREW E. CARMICHAEL
AMY E. POWELL
Senior Trial Counsel
MICHAEL P. CLENDENEN
LIAM HOLLAND
CATHERINE M. YANG
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005
Tel: (919) 856-4013
Email: amy.powell@usdoj.gov
Counsel for Defendants