

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 22-11532

Non-Argument Calendar

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LUCAS WALL,

Plaintiff-Appellant,

*versus*

CENTERS FOR DISEASE CONTROL AND PREVENTION,  
DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
TRANSPORTATION SECURITY ADMINISTRATION,  
DEPARTMENT OF HOMELAND SECURITY,  
DEPARTMENT OF TRANSPORTATION, et al.,

Defendants-Appellees,

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 6:21-cv-00975-PGB-DCI

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Before JORDAN, GRANT, and LAGOA, Circuit Judges.

PER CURIAM:

In December 2021, Lucas Wall filed a pro se complaint against the Centers for Disease Control and Prevention, the Department of Health and Human Services, the Greater Orlando Aviation Authority (GOAA), and the Central Florida Regional Transportation Authority (LYNX) seeking to enjoin their enforcement of the federal transportation mask mandate,<sup>1</sup> the international traveler COVID-19 testing requirement,<sup>2</sup> and GOAA and LYNX's mask requirements on the grounds that these orders violated a host of federal statutes and the Constitution. The district court granted summary judgment to the CDC and HHS, dismissed

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<sup>1</sup> Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs, 86 Fed. Reg. 8025 (Feb. 3, 2021).

<sup>2</sup> Requirements for Negative Pre-Departure Covid-19 Test Result or Documentation of Recovery from Covid-19 for All Airline or Other Aircraft Passengers Arriving Into the United States From Any Foreign Country, 86 Fed. Reg. 69256 (Dec. 7, 2021).

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Opinion of the Court

3

Wall's state-law claims against GOAA and LYNX,<sup>3</sup> and denied summary judgment to Wall.

This Court recently held in *Health Freedom Def. Fund v. President of the United States* that a challenge to the federal transportation mask mandate was moot following a declaration that the public health emergency was over. 71 F.4th 888 (11th Cir. 2023). Although Wall also challenges the international testing order, which was not at issue in *Health Freedom*, the reasoning of that decision indicates that the testing order is moot as well because it expired at the end of the public health emergency. Requirements for Negative Pre-Departure Covid-19 Test Result, 86 Fed. Reg. at 69262. As in *Health Freedom*, none of this Circuit's mootness exceptions apply to either order. See *Health Freedom*, 71 F.4th at 892–94. Accordingly, Wall's challenges to the federal transportation mask mandate and the international traveler testing requirement are moot.

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For the foregoing reasons, we **VACATE** the judgment below with instructions that the district court **DISMISS** the case as moot.

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<sup>3</sup> On appeal, Wall filed an unopposed motion to remove GOAA and LYNX as parties. Because he does not appeal the district court's dismissal of his claims against GOAA and LYNX, Wall's motion is **GRANTED**.

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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December 15, 2023

**MEMORANDUM TO COUNSEL OR PARTIES**

Appeal Number: 22-11532-GG

Case Style: Lucas Wall v. Centers for Disease Control and Prevention, et al

District Court Docket No: 6:21-cv-00975-PGB-DCI

**Electronic Filing**

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at [www.pacer.gov](http://www.pacer.gov). Information and training materials related to electronic filing are available on the Court's website.

Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or [cja\\_evoucher@ca11.uscourts.gov](mailto:cja_evoucher@ca11.uscourts.gov) for questions regarding CJA vouchers or the eVoucher system.

Pursuant to Fed.R.App.P. 39, each party to bear own costs.

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OPIN-1A Issuance of Opinion With Costs