

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF
LANDRY, et al.,

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity
as Secretary of Health and Human Services; et
al.,

DEFENDANTS.

CIVIL ACTION NO. _____

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff States respectfully move this Court for an order under Rule 65 of the Federal Rules of Civil Procedure granting a preliminary injunction, with expedited consideration, in their favor against the named Defendants in their official capacities. As explained in the Complaint and attached Memorandum supporting this motion, Defendants have acted without statutory authority and contrary to law, violated the Administrative Procedure Act, violated the Congressional Review Act, violated the Treasury and General Government Appropriations Act of 1999, and violated the Constitution by promulgating and implementing *Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs*, 86 Fed. Reg. 68052 (Nov. 30, 2021).

This Motion is made on the grounds specified in this Motion, the Complaint, the accompanying Memorandum of Law, the exhibits attached to this Motion, all matters of which this Court may take judicial notice, and on such other and further oral or documentary evidence as may be presented to the Court at or before the hearing on this Motion. Plaintiff States are substantially likely to prevail on the merits of their claims and preliminary injunctive relief is

necessary to avoid imminent and substantial injuries to their sovereign, quasi-sovereign, and proprietary interests. And the public interest and balance of harms favor an order compelling Defendants to follow the law.

For these reasons and those explained in the attached Motion, Plaintiff States respectfully request a preliminary injunction restraining Defendants from implementing *Vaccine and Mask Requirements to Mitigate the Spread of COVID–19 in Head Start Programs*, 86 Fed. Reg. 68052 (Nov. 30, 2021).

Dated: December 21, 2021

Respectfully submitted,

By: /s/ Elizabeth B. Murrill

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