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Mark Langer
Clerk
U.S. Court of Appeals for the District of Columbia Circuit
Filed Electronically

RE: *Wall v. Transportation Security Administration*
Consolidated Case Nos. 21-1220, 1221, 1225, 1236, 1237, & 1258

Dear Mr. Langer:

I write on behalf of all 13 *pro se* petitioners in these six consolidated cases to inform the Court pursuant to FRAP 28(j) of a judgment issued yesterday in *Health Freedom Defense Fund v. Biden*, No. 8:21-cv-1693 (M.D. Fla.). The court vacated worldwide the Centers for Disease Control & Prevention's Federal Transportation Mask Mandate for being beyond CDC's statutory authority, failing to comply with the Administrative Procedure Act's notice-and-comment requirements, and being arbitrary and capricious.

Petitioners filed our initial joint opening brief April 11, arguing that because the Transportation Security Administration's Health Directives and Emergency Amendment challenged in these six Petitioners for Review came at the behest of CDC and that agency's order is *ultra vires*, this Court must then decide that the TSA orders are likewise subject to worldwide *vacatur*. We also argued that TSA's directives must be struck down because, like the CDC order, they were issued in violation of the APA's requirements for notice and comment as well as being arbitrary and capricious. The Middle District of Florida's decision yesterday in *Health Freedom Defense Fund* supports all of these arguments we presented in our brief last week.

Although we filed this morning our Petitioners' Joint Final Opening Brief, the rules specify that we were only permitted to add a Table of Authorities, citations to the Appendix, corrections to use of uncommon acronyms, and fixes to typographical errors. We therefore could not cite this new decision, but we want to ensure the Court is aware of it as it provides enormous support to our arguments in this case.

Finally, we wish to draw the Court's attention to the fact that TSA issued a statement yesterday after CDC's mask mandate was struck down that "Due to today's court ruling, effective immediately, TSA will no longer enforce its Security Directives and Emergency Amendment requiring mask use on public transportation and transportation hubs. TSA will also rescind the new Security Directives that were scheduled to take effect tomorrow."

Petitioners in no way believe this temporary voluntary repeal of TSA's mask directives moots this case. No court has declared the Health Directives and Emergency Amendment *ultra vires*, as yesterday's decision was strictly limited to CDC. Although we are thrilled TSA has chosen to rescind the challenged orders for now, we are concerned that the agency will try to reimpose them in the future. Therefore this case must proceed to a final resolution on the merits, including on our demand for a permanent injunction prohibiting TSA from ever again issuing Health Directives requiring the wearing of face coverings unless Congress provides clear statutory authority for the agency to do so.

Yours truly,

Lucas Wall

Lead Petitioner