



**U.S. Department of Justice**  
Civil Division, Appellate Staff  
950 Pennsylvania Ave. NW, Rm.7537  
Washington, DC 20530

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Tel: (202) 616-5446

July 15, 2021

Lyle W. Cayce, Clerk of Court  
U.S. Court of Appeals for the 5th Circuit  
600 S. Maestri Place  
New Orleans, LA 70130

RE: *Chambless Enterprises, LLC v. Walensky*, No. 21-30037

Dear Mr. Cayce:

We respectfully inform the Court of a recent 11th Circuit ruling in a related case. In *Brown v. Secretary of Health and Human Services*, No. 20-14210, 2021 WL 2944379 (11th Cir. July 14, 2021), the 11th Circuit panel majority affirmed the denial of the landlords' request for a preliminary injunction to prevent enforcement of the CDC eviction moratorium. The court concluded that the landlords failed to show that a preliminary injunction was necessary to prevent irreparable harm, rejecting the same theories of irreparable harm that plaintiffs raise in this case. *Id.* at \*3-6. And although the majority (and the dissent) expressed doubts as to the district court's ruling on the landlords' likelihood of success on the merits, the court had no need to consider or resolve the issue because, like plaintiffs here, "the landlords chose to pursue a preliminary injunction on appeal" and failed to show the indispensable prerequisite of irreparable harm. *Id.* at \*6.

Sincerely,

*s/ Brian J. Springer*

Brian J. Springer  
U.S. Department of Justice  
Appellate Staff, Civil Division

cc (via CM/ECF): Counsel of Record

### **CERTIFICATE OF COMPLIANCE**

This letter complies with the type-volume limit of Federal Rule of Appellate Procedure 28(j) because the body of the letter contains 155 words.

*s/ Brian J. Springer*  
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Brian J. Springer

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2021, I electronically filed the foregoing letter with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

*s/ Brian J. Springer*  
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Brian J. Springer