

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF MISSOURI,
STATE OF NEBRASKA,
STATE OF ARKANSAS,
STATE OF KANSAS,
STATE OF IOWA,
STATE OF WYOMING,
STATE OF ALASKA,
STATE OF SOUTH DAKOTA,
STATE OF NORTH DAKOTA, and
STATE OF NEW HAMPSHIRE,

Plaintiffs,

v.

JOSEPH R. BIDEN, Jr.,
in his official capacity as the President of
the United States of America, *et al.*,

Defendants.

No. 4:21-cv-01329

PLAINTIFF STATES' MOTION FOR A PRELIMINARY INJUNCTION

The States of Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, Alaska, South Dakota, North Dakota, and New Hampshire (the Plaintiff States) respectfully request that the Court issue a preliminary injunction enjoining the Interim Final Rule with Comment Period entitled “Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination,” 86 Fed. Reg. 61,555 (Nov. 5, 2021), promulgated by Defendants.

The Plaintiff States incorporate by reference the arguments in their Memorandum in Support, filed contemporaneously herewith.

Because the Plaintiff States’ citizens must receive the first (or single) COVID-19 vaccine dose or request a medical or religious exemption by December 6, 2021, 86 Fed. Reg.,

at 61,571, 61573, 61,574, Plaintiff States respectfully request a ruling **by 5:00 p.m. (CT) on November 29, 2021**, to allow Plaintiff States time to seek emergency relief at the appellate level, if necessary.

Dated: November 12, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on November 12, 2021, a true and correct copy of the foregoing and any attachments were filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system and to be served on those parties that have not appeared who will be served in accordance with the Federal Rules of Civil Procedure by mail or other means agreed to by the party.

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