

Case No. 22-40043

***IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT***

FEDS FOR MEDICAL FREEDOM; LOCAL 918, AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES; HIGHLAND ENGINEERING,
INCORPORATED; RAYMOND A. BEEBE, JR.; JOHN ARMBRUST; *et al.*,
Plaintiffs–Appellees,

v.

JOSEPH R. BIDEN, JR., IN HIS OFFICIAL CAPACITY AS PRESIDENT OF
THE UNITED STATES; THE UNITED STATES OF AMERICA; PETE
BUTTIGIEG, IN HIS OFFICIAL CAPACITY AS SECRETARY OF
TRANSPORTATION; DEPARTMENT OF TRANSPORTATION; JANET
YELLEN, IN HER OFFICIAL CAPACITY AS SECRETARY OF TREASURY,
et al.,
Defendants–Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

MOTION OF INSTITUTE FOR HEALTH RESEARCH
FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT
OF THE APPELLEES AND IN OPPOSITION TO MOTION FOR STAY

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February 22, 2022

Pursuant to Rule 29, F.R.A.P., the Institute For Health Research respectfully moves this Honorable Court for an order granting leave to file the following *amicus curiae* brief that supports the Plaintiffs-Appellees and opposes the Defendants-Appellants motion for a stay currently before this court.

The Institute For Health Research is an organization that promotes use of natural remedies to address various health problems and it consequently opposes the prevalent use of vaccines as a response to the current pandemic posed by COVID-19. Undersigned counsel for the Institute brought this litigation to the Institute's attention and the Institute decided to assist this court by submitting the attached brief.

Review of the parties' briefs discloses an absence of arguments directly relevant to this court's decision of the issues raised herein. First, the statutory authority relied upon by Appellants as justification for the executive order at issue herein simply did not authorize the President to impose vaccine mandates on government employees since those statutes were enacted by Congress in 1872 and 1883. Furthermore, the historical foundation for the Major Questions Doctrine at issue here, shortly discussed by Amicus, elucidates how this doctrine operates yet this foundation is not mentioned by the parties. Amicus wishes to remind this court of those origins.

For these reasons, Amicus respectfully moves this court to accept the attached

brief for filing.

Respectfully submitted this the 22nd day of February, 2022.

/s/ Lowell H. Becraft, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, I electronically filed the foregoing motion with the Clerk of this Court by using the CM/ECF system, which will accomplish service on counsel for all parties through the Court's electronic filing system.

Dated this the 22nd day of February, 2022.

/s/ Lowell H. Becraft, Jr.

Lowell H. Becraft, Jr.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed.R.App.P. 32(a)(7)(C), I certify, based on the word-counting function of my word processing system (WordPerfect, Version 11), that this brief complies with the type-volume limitations of Fed.R.App.P. 32(a)(7)(B):

1. The entirety of this motion contains 542 words;
2. This motion has been prepared in a proportional spaced format using Times New Roman type (14 point type).

/s/ Lowell H. Becraft, Jr.
Lowell H. Becraft, Jr.