

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

AARON ABADI,	:	
Petitioner,	:	
	:	
v.	:	Case No. 21-4133
	:	
OCCUPATIONAL SAFETY &	:	
HEALTH ADMINISTRATION	:	
Respondent.	:	

**PETITIONER’S OPPOSITION TO RESPONDENT’S MOTION  
TO DISMISS AS MOOT**

COMES NOW petitioner, pro se, in response to Respondent’s motion to consider this case moot, and asks this court to deny that motion for the following reasons.

This is a temporary situation with problems that affect tens of millions of Americans, that is new to the country and to the courts. While the Supreme Court already put a stay on this particular vaccine mandate, there are so many mandates that are still in effect, both federal and state, that for now have withstood the flurry of litigations.

THIS PETITIONER'S PETITION AND SUBSEQUENT MOTIONS ARE UNIQUE, AS THEY ADDRESS SPECIFICALLY THE REQUIREMENT TO VACCINATE THOSE THAT ALREADY HAVE SUFFICIENT IMMUNITY.

Dismissing this petition as moot will ensure that this question does not see the light of day.

Not every case should be considered moot when the original standing is no longer an issue. In *Roe v. Wade*, 410 US 113 - Supreme Court 1973, the case was decided long after the particular pregnancy was no longer an issue. The court decided that although in this specific situation the issue is moot, but the law is relevant to the country to others in similar situations, and thus the case is not moot.

This Petitioner is positing that the requiring of vaccination even though the person already has natural immunity is arbitrary and capricious. The federal government and the police state cannot take away constitutional rights. However, in a circumstance where there is a serious health issue that they're addressing, they are then permitted.

Still, they cannot require everyone to take Advil every morning, eat chicken fajitas, or to put their hair up in a bun. It needs to be directly related to and in the resolution of that particular health issue.

Forcing someone with better immunity to also take a vaccine, is useless and meaningless, and therefore arbitrary and capricious. The government should not be allowed to force such laws and violate our constitutional rights.

It isn't like there are just 4 people with this scenario, so the government can argue that they cannot make a different rule for each person. Between 20-30% or more of Americans already had Covid. About a third of the people within each vaccine mandated area are losing their rights.

Vaccine mandates that rely on health emergencies to violate constitutional rights, are required to be narrowly tailored to address the health issue specifically, not just a broad overreaching blanket rule, that is typical of countries with less freedoms than we have in our country.

WHEREFORE, I request the Court to deny Respondent's motion, and to review my petition and motions, and to rule on them as soon as the court is able to.

Respectfully submitted this 9<sup>th</sup> day of February, 2022.

s/Aaron Abadi

Aaron Abadi, petitioner  
Apt. 140  
82 Nassau St.  
New York, NY 10038  
Telephone: 516-639-4100  
E-Mail: aa@neg.com

CERTIFICATE OF SERVICE

This motion is being filed by the court clerk through Electronic Case Filing (CM/ECF), and therefore all attorneys for Respondent received this immediately upon filing.

CERTIFICATE OF COMPLIANCE

This motion complies with the limit of 5,200 words established by FRAP 27 (d) 2, because it contains 580 words as measured by Microsoft Word excluding sections not counted pursuant to FRAP 32(f).

s/Aaron Abadi

Aaron Abadi, petitioner