

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 8:21-cv-541-CEH-SPF

The UNITED STATES OF AMERICA;
et al.,

Defendants.

_____ /

FLORIDA'S MOTION FOR CLARIFICATION

On December 14, 2021, the Eleventh Circuit dismissed Florida's appeal of this Court's order denying Florida's motion for preliminary injunction. *See* ECF 38 (denying ECF 4). The court reasoned that "Florida's appeal [is] moot because the [challenged] policies have been superseded and are no longer in effect." The court also "vacate[d]" this Court's order. Following issuance of the mandate and a remand, this Court immediately "directed" the clerk "to close this case." ECF 48.

Florida respectfully submits, however, that further action is required from this Court. Florida took an interlocutory appeal following denial of its motion for preliminary injunction and it was that interlocutory appeal that was dismissed. Final judgment has not been entered in this case. Moreover, the Court's order directing the clerk to close the case does not appear to result

in dismissal of Florida's complaint. Florida therefore respectfully requests an order clarifying whether the Court intended to sua sponte dismiss Florida's complaint on mootness grounds.

Rule 3.01(g) Certification: On February 17 and 18, counsel for Florida conferred with counsel for Defendants by email regarding this motion. Defendants take no position on the relief sought in this motion.¹

Respectfully submitted,

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/s/ James H. Percival
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¹ Counsel for Defendants also asked Florida to represent that they “do believe the complaint should be dismissed as moot.”

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2022, a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which provides notice to all parties.