

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NAVY SEAL # 1, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 8:21-cv-02429-SDM-TGW

DEFENDANTS' NOTICE OF INTENT TO RESPOND

Defendants hereby notify the Court that they intend to respond to the recently filed emergency motion, ECF 157, on or before April 15, 2022, and to request that the Court forbear from ruling on the request in the interim, which does not present an emergency at this time.

As Plaintiffs' filing confirms, the Air Force denied the appeal of Plaintiff United States Air Force Academy Cadet's ("Plaintiff Cadet") religious accommodation request on March 13, 2022, and he alleges that he received the denial and an order to receive the vaccination on March 30, 2022. *See* ECF No. 157-1, at 21-22. On March 31, 2022, the Air Force informed Plaintiffs' counsel that no action would be taken with respect to Plaintiff Cadet's failure to comply until after April 25, 2022. *See* ECF No. 157, at 7. Plaintiff Cadet waited to file a motion until today April 8, 2022, and acknowledges that no action will be taken by Air Force until after April 25, 2022. As a result, there is no emergency and the Court need not

issue any ruling on the TRO pending full briefing of the motion for a preliminary injunction.

Defendants are investigating Plaintiff's allegations and intend to respond as quickly as possible. Defendants respectfully request until April 15, 2022, to respond to Plaintiff's motion for a preliminary injunction, which should give the Court sufficient time to consider these issues before Plaintiff Cadet is required to receive his vaccination. In light of the lack of imminent irreparable harm, the paucity of Plaintiff's submissions, and the gravity of the relief requested in its interference with core military judgments, a comprehensive briefing is warranted.

Dated: April 8, 2022

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