

No. 23-717

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In the Supreme Court of the United States

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ISRAEL ALVARADO, ET AL., PETITIONERS

*v.*

LLOYD J. AUSTIN, III, SECRETARY OF DEFENSE, ET AL.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**BRIEF FOR THE RESPONDENTS IN OPPOSITION**

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### QUESTION PRESENTED

In 2021, the Secretary of Defense ordered all military servicemembers to be vaccinated against COVID-19. Petitioners brought this action to challenge the military's COVID-19 vaccination requirement on various grounds, and the district court dismissed their complaint. After the dismissal, Congress passed legislation directing the Secretary to rescind the COVID-19 vaccination requirement that petitioners had challenged. Petitioners then moved for reconsideration of the dismissal of their complaint, which the district court denied, and petitioners appealed. In light of the rescission of the challenged vaccination requirement, the court of appeals dismissed petitioners' appeal as moot, vacated the district court's orders, and remanded with instructions to dismiss the complaint on mootness grounds pursuant to *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950). The question presented is as follows:

Whether the court of appeals correctly determined that petitioners' challenge to the military's now-rescinded COVID-19 vaccination requirement is moot.

(I)

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