

**APPENDIX A**

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

No: 21-3725

State of Missouri, et al.

Appellees

v.

Joseph R. Biden, Jr., in his official capacity as the  
President of the United States of America, et al.

Appellants

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Reliant Care Management Company, L.L.C.

Amicus Curiae American Academy of Family  
Physicians, et al.

Amici on Behalf of Appellant(s)

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Appeal from U.S. District Court for the Eastern  
District of Missouri – St. Louis (4:21-cv-01329-MTS)

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**ORDER**

**Before LOKEN, BENTON, and KELLY, Circuit  
Judges**

In November 2021, the Secretary of Health and Human Services (the “Secretary”) issued an interim final rule requiring that participating facilities ensure that their staff are vaccinated

against COVID-19 to receive Medicare and Medicaid funding (unless exempt for medical or religious reasons). *See* 86 Fed. Reg. 61555 (2021).

Many states challenged the rule. Two district courts, including the United States District Court for the Eastern District of Missouri, enjoined its enforcement. *See Missouri v. Biden*, No. 4:21-CV-01329-MTS, 2021 WL 5564501 (E.D. Mo. Nov. 29, 2021). The district court ruled that the states were likely to succeed on the merits of their claims that the Secretary lacked statutory authority to issue the rule. *Id.*

The federal government filed an emergency motion in this court to stay the preliminary injunction pending appeal. This court denied the motion.

The federal government petitioned the United States Supreme Court for a stay of the preliminary injunction pending further review by this court. The Supreme Court stayed the preliminary injunction pending the outcome of this appeal. *Biden v. Missouri*, 142 S. Ct. 647 (2022).

Based on the Supreme Court's opinion, this court vacates the preliminary injunction and remands to the district court for a determination of the merits of the State of Missouri's claim for permanent injunctive relief. *See* Fed. R. Civ. P. 65(a)(2).

April 11, 2022

Order Entered at the Direction of the Court:

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Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**APPENDIX B**

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

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No: 21-3725

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State of Missouri; State of Nebraska; State of  
Arkansas; State of Kansas; State of Iowa; State of  
Wyoming; State of Alaska; State of South Dakota;  
State of North Dakota; State of New Hampshire

Plaintiffs – Appellees

v.

Joseph R. Biden, Jr., in his official capacity as the  
President of the United States of America; United  
States of America; United States Department of  
Health and Human Services; Xavier Becerra, in his  
official capacity as Secretary of the United States  
Department of Health and Human Services; Centers  
for Medicare and Medicaid Services; Chiquita  
Brooks-LaSure, in her official capacity as  
Administrator for the Centers for Medicare and  
Medicaid Services; Meena Seshamani, in her official  
capacity as Deputy Administrator and Director of  
Center for Medicare; Daniel Tsai, in his official  
capacity as Deputy Administrator and Director of  
Center for Medicaid and CHIP Services

Defendants - Appellants

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Reliant Care Management Company, L.L.C.  
Amicus Curiae  
American Academy of Family Physicians;  
American Academy of Pediatrics; American College  
of Chest Physicians; American College of Medical  
Genetics and Genomics; American College of  
Physicians; American Geriatrics Society; American  
Lung Association; American Medical Women's  
Association; American Society for Clinical Pathology;  
American Society for Echocardiography; American  
Society of Hematology; American Thoracic Society

Amici on Behalf of Appellant(s)

Appeal from U.S. District Court for the Eastern  
District of Missouri - St. Louis (4:21-cv-01329-MTS)

**JUDGMENT**

Before LOKEN, BENTON and KELLY, Circuit  
Judges.

The preliminary injunction is vacated and the  
case is remanded to the district court in accordance  
with this court's order dated April 11, 2022. Mandate  
shall issue forthwith.

April 11, 2022

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans