

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NAVY SEAL 1, et al.,

Plaintiffs,

v.

CASE NO. 8:21-cv-2429-SDM-TGW

JOSEPH R. BIDEN, et al.,

Defendants.

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ORDER

An October 15, 2021 order schedules for November 15, 2021, a hearing on the plaintiffs' motion for preliminary injunction, which contends, among other things, that each branch of the United States armed forces in violation of the Religious Freedom Restoration Act and the Free Exercise Clause of the First Amendment has failed, and will fail unless enjoined, to reasonably accommodate service members applying for a religious exemption from directives compelling, at pain of separation and other penalties, injection of a COVID-19 vaccine.

To assist the fully informed resolution of the pending motion, not later than **NOVEMBER 12, 2021**, the defendants must file a verified statement, supported by a copy of the governing policy and any implementing directives, guidance, regulation, or the like specifying:

(1) the procedure by which a service member applies for a religious exemption from the COVID-19 vaccination requirement, including a copy of any form for, and any instructions for, applying for an exemption and a copy of any form used to grant, deny, or otherwise resolve the application;

(2) the procedure for resolving the request, including the identity (by rank, position, or the like; a person's name is not required) of the person or persons who initially resolve the request;

(3) the criteria by which the identified person or persons will resolve the initial application, including the standard of proof the factual allegations of the application must satisfy before approval of the application;

(4) the procedure, including the forms, the persons empowered to decide at each level, the standard of proof, and the like, for each opportunity available to a service member to obtain review of, and request reversal or modification of, an unsatisfactory (to the service member) resolution of the application (this statement must describe each level of available review to and including exhaustion of the available remedies);

(5) the procedure for and alternatives for punishment following the denial of an application and the exhaustion of available review; and

(6) any policy under active consideration (by any branch of the United States armed forces or any defendant) to alter or amend the substance and procedure described in response to (1) through (5) of this paragraph and effective before June 1, 2022.

Also, the defendants must file not later than **NOVEMBER 12, 2021**, a precise statement of the number of requests in each branch for a religious exemption from injection of a COVID-19 vaccine; the number of requests granted, denied, and pending; the number of persons in the armed forces who are unvaccinated and who have submitted no request for exemption; the number of persons whose application is resolved and who have received some change in the terms and conditions of their service, including separation of any kind; and the categories of results that have occurred and how many of each kind of result has occurred.

ORDERED in Tampa, Florida, on October 29, 2021.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE