

# Federal Judge Rules Biden Mask Mandate Unlawful; CDC Transportation Mask Mandate Vacated

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by [Sundance](#), [The Last Refuge](#)

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A federal judge in Tampa, Florida has vacated the federal transportation mask mandate for planes, trains, buses and public Transportation. [[PDF Ruling Available Here](#)]

In essence, U.S. District Judge Kathryn Kimball Mizelle found the CDC exceeded its statutory authority with the mask mandate and violated the rules that guide CDC regulations. After Joe Biden arbitrarily announced the federal transportation mandate, the CDC triggered enforcement of the mask mandate without any required time for public feedback on a new regulation.

#### IV. CONCLUSION

“It is indisputable that the public has a strong interest in combating the spread of [COVID-19].” *Ala. Ass’n of Realtors*, 141 S. Ct. at 2490. In pursuit of that end, the CDC issued the Mask Mandate. But the Mandate exceeded the CDC’s statutory authority, improperly invoked the good cause exception to notice and comment rulemaking, and failed to adequately explain its decisions. Because “our system does not permit agencies to act unlawfully even in pursuit of desirable ends,” *id.*, the Court declares unlawful and vacates the Mask Mandate.

Accordingly, the following is **ORDERED**:

1. Plaintiffs’ Motion for Summary Judgment (Doc. 48) is **GRANTED** on Counts I, II, and III. Defendants’ Motion for Summary Judgment (Doc. 45) is **DENIED**.
2. The Court **DECLARES UNLAWFUL** and **VACATES** the Mask Mandate, remanding it to the CDC for further proceedings consistent with this order.

[\(SEE FULL RULING HERE\)](#)

Within the ruling, one of the commonsense arguments against the federal mandate was noted. Prior to Joe Biden taking office there was no mask mandate. At the time Joe Biden took office and invoked the mask mandate, there was nothing substantively different in/around the spread of COVID-19 and the mitigation efforts underway.

The federal mask mandate was arbitrary and capricious with no justification from the CDC and no required time for the public

to provide feedback. The government's legal argument was that public feedback, comments on rulemaking, was irrelevant because the mandate was going to be enforced regardless of public opinion. That argument was summarily dispatched by the judge saying, just because the government has a pre-determined outcome in mind does not relinquish them from the obligation to follow the rules.

Sensing they were going to lose the case, remarkably the government lawyers argued that only the original plaintiffs in the lawsuit should be granted relief. Meaning, only the two people who filed the lawsuit should be exempt from the federal mask mandate. That didn't work.

The federal transportation mask mandate is vacated.

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**See also:**

[Health Freedom Defense Fund Wins Lawsuit Against Federal Travel Mask Mandate](#)

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