

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LINDSAY JONES,

Plaintiff,

v.

**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; MANDY COHEN, in her
official capacity as Director of the Centers for
Disease Control and Prevention, and JOHN DOE
DEFENDANTS 1-3,**

Defendants.

Case No. 3:24-cv-1951

**VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. This case presents the unfortunate and increasingly common scenario wherein thin-skinned governmental agencies and representatives are unconstitutionally blocking American constituents' access to governmental social media profiles used to provide the public updates and policy discussions, and a forum for discussion on updates and policies, based on viewpoints that disagree with the governmental update or policy. Here, in blatant violation of the First Amendment, Centers for Disease Control and Prevention (“CDC”) blocked Plaintiff’s account on the social media platform X, despite the fact that Plaintiff is a journalist who reports primarily on federal health agencies, merely because she expressed a viewpoint that criticized the CDC.

2. Founded in 2006, X, formerly known as Twitter, is an immensely popular social media company with millions of users worldwide. In essence, users can post short messages to each other and interact with those messages. In more recent years, X has become a hub of free speech and many politicians and governmental entities take advantage of the platform to interact with the public. As the Supreme Court recently recognized, although social media is relatively new, “courts still have a necessary role in protecting [the] the right[] of speech, as courts have historically protected traditional media’s rights. To the extent that social-media platforms [and users] create expressive products, they receive the First Amendment’s protection.” *Moody v. NetChoice, LLC*, 144 S. Ct. 2383, 2024 U.S. LEXIS 2884 at *12 (2024).

3. CDC’s official X account, @CDCgov, is a government-authorized, public social media account that allows the public to obtain the latest health information and engage in discourse with CDC and other commenters. Therefore, it is, by nature, a public forum for speech by, to, and about CDC. However, in order to eliminate the expression of viewpoints that oppose or challenge CDC’s statements or policies, Defendants have excluded, or “blocked” certain private X users who

have criticized CDC or otherwise posted messages it apparently finds disagreeable. Given the CDC X account's status as a public forum, Defendants' actions in blocking these users are unconstitutional.

4. The Supreme Court has established that social media platforms provide "perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard." *Packingham v. North Carolina*, 582 U.S. 98, 107 (2017). This is because private citizens can now use this medium to communicate directly with public officials and debate public issues with them and as well as other private citizens.

5. With approximately 5.5 million followers, the @CDCgov account is public, and thus generally accessible to everyone. Defendants use the account as an "official source for daily credible health and safety updates from Centers for Disease Control and Prevention." While the number of comments and discourse varies, almost every @CDCgov post routinely receives significant public engagement.

6. Plaintiff Lindsay Jones is an individual X account holder (@TexasLindsay_) who was blocked from the @CDCgov account because of her comments criticizing CDC policies and challenging the consistency of CDC's public statements. Many of her comments received substantial attention and engagement from other X users. Because her account is blocked from the @CDCgov account, Plaintiff is now prevented from viewing or engaging with @CDCgov posts and comments. Not only has Plaintiff been prevented from participating in this public forum, but now other followers of @CDCgov are effectively chilled from their right to read and respond to the content that Plaintiff routinely posts for fear that they, too, will be blocked.

7. Plaintiff respectfully requests that the Court declare that the viewpoint-based exclusion of her participation with @CDCgov violates the First Amendment and Administrative Procedure Act and order Defendants to unblock her on X.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 28 U.S.C. §§ 2201-2202, and 5 U.S.C. § 701, *et seq.*

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(e)(1) and 28 U.S.C. § 1391(b)(2) because the Plaintiff resides in this district and a substantial part of the events or omissions giving rise to this action occurred in this judicial district.

PARTIES

10. Plaintiff Lindsay Jones is a citizen and domiciliary of the State of Texas, residing in Ovilla, TX, with a substantial following on social media who acts as a journalist, and who has suffered and continues to suffer ongoing constitutional violations and irreparable harm while residing in this District.

11. Defendant United States Department of Health and Human Services (“HHS”) is a cabinet-level executive branch department within the United States Federal Government. Defendant Xavier Becerra is the agency head of HHS and is sued in his official capacity.

12. Defendant Mandy Cohen is sued in her official capacity as Director of the CDC. CDC is an agency within the Executive Branch of the United States Government, organized within HHS.

13. Defendant John Does 1-3 (collectively, “**John Does**”) are individuals charged with supervising, managing, directing, or operating CDC’s X Account, @CDCgov, including with respect to the ability to block or unblock other X users. As set forth below, various Plaintiffs have

requested identification of John Does, but CDC and/or HHS have not disclosed their identities to date. All are sued in their official capacity.

STATEMENT OF FACTS

A. X

14. X, commonly referred to by its former name, Twitter, is one of the world's largest social media sites which boasts having more than 600 million active users worldwide. The networking service allows users to publish short communications, called tweets; share or comment on others' tweets; and interact with other X users who respond to the same tweet. Tweets can include photographs, videos, documents, and links.

15. X users can interact with each other in several ways, including sharing or quoting another user's post on their own page ("**retweeting**"), replying or commenting directly on a user's tweet, replying to comments made by other users on a post, or tagging another user within a tweet ("**mentioning**").

16. An X user also has the option to "block" other users if the X user does not want his or her posts to be visible to the blocked user. Blocking also prevents users from accessing and interacting with the blocking user's posts. If a user attempts to search for or interact with an account from which he has been blocked, the user will receive a message indicating that he has been blocked. The following is an example of an X blocking notification:



B. The @CDCgov account

17. The CDC established @CDCgov as a public X account in May 2010 and regularly uses the account as an “official source for daily credible health & safety updates from Centers for Disease Control & Prevention” for the general public. <https://x.com/CDCgov> *archived at* <https://perma.cc/NZY2-5GDD>. CDC links to its @CDCgov X account on its government-owned and operated website. *CDC's Social Media Channels*, CDC, <https://www.cdc.gov/digital-social-media-tools/Social-Media-Channels.html> (last reviewed Oct. 27, 2023) *archived at* <https://perma.cc/B39Z-ZYH5>. Since the COVID-19 pandemic, CDC’s tweets have especially become a popular source of information about CDC policies, and the comment threads have become a forum for speech made by, to, and about CDC.

18. The @CDCgov account is openly accessible to the general public, meaning that any user who wishes to follow and interact with the account may do so. The only users who may not follow @CDCgov are those users who have been blocked. Blocked users are therefore prevented from accessing any information that is shared on that account, including from seeing CDC’s “daily credible health & safety updates.”

19. Many @CDCgov posts inspire robust discussion and debate regarding CDC and its leadership, decisions, and policies, especially since the COVID-19 pandemic. CDC uses its account to disseminate information to the public, and many posts generate numerous comments wherein users engage with each other regarding their views on the subject matter of the tweet.

20. CDC's social media webpage states, "We welcome your comments on CDC's social channels, but please be respectful. CDC reserves the right to hide, remove, and/or not allow comments to be posted." *CDC's Social Media Channels*, CDC, <https://www.cdc.gov/digital-social-media-tools/Social-Media-Channels.html> (last reviewed Oct. 27, 2023) *archived at* <https://perma.cc/B39Z-ZYH5>. CDC refers readers to its "Guideline for Public Comments" page, which likewise states, "We encourage and welcome your comments. However, we request that this be done in a respectful manner, and we retain the discretion to determine which comments violate our comment policy." *Guidelines for Public Comments*, CDC, <https://www.cdc.gov/other/public-comments.html> (last reviewed July 19, 2024) *archived at* <https://perma.cc/8VST-MZ6T>. According to this policy, "[p]osted comments must directly relate to the information and/or topics of discussion on those sites, blogs, and applications." *Id.* CDC indicates it will "hide or delete comments that contain" the following:

- Demonstrably false information, including links to sites containing demonstrably false information;
- Personally identifiable information, such as Social Security Numbers, home or business addresses, e-mail addresses, or phone numbers;
- Threats of harm or violence;
- Profanity, obscenity, or vulgarity, including images of or links to such material;
- Nudity in profile pictures or images shared in comments;
- Defamation to a person or people;
- Name calling and/or personal attacks;
- Comments whose main purpose are to sell a product or promote commercial websites or services;
- Comments that infringe on copyrights;
- Spam comments, such as the same comment posted repeatedly on a profile.

Id.

21. CDC does not explain what metric it uses to determine what constitute “Demonstrably false information.”

C. Defendant’s Blocking of Plaintiff from the @CDCgov Account

22. Plaintiff Lindsay Jones, who resides in Ovilla, TX, is a full-time independent journalist and political consultant. She operates a verified X account under the handle @TexasLindsay_ for the purpose of her journalism. https://x.com/TexasLindsay_archived_at_https://perma.cc/RR88-TZJU. Ms. Jones has over a quarter of a million followers, and her posts regularly receive engagement from thousands and even hundreds of thousands of other X users.

23. Plaintiff focuses her journalism on actions and statements by the government, especially those having to do with public health policy. Plaintiff began following @CDCgov because the material it posts is directly relevant to her work. Prior to being blocked, she actively participated in comment threads of posts made by @CDCgov, and she also often retweeted and quoted CDC’s tweets when they were relevant to her journalism work. The following is an example of a tweet made by Plaintiff on March 8, 2023, challenging CDC’s approval of Pfizer’s Bivalent Covid-19 vaccine. The post received 18,000 views, 38 comments, and was retweeted 366 times:



24. On November 16, 2023, Plaintiff made the following post mentioning @CDCgov:

← Post

TexasLindsay™ @TexasLindsay_

1994 vs. 2024 x.com/CDCgov/status/...

Childhood Immunization Schedule

1994

2024

Vaccines in the Child and Adolescent Immunization Schedule*

Vaccine	Age	Brand	Notes
DTaP, Hepatitis B, and varicella	2, 4, 6, 15-18 months	DTaP, HepB, VZV	DTaP: 4 doses; HepB: 3 doses; VZV: 2 doses
DTaP, Hib, and polio	2, 4, 6, 15-18 months	DTaP, Hib, Polio	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses
DTaP, Hib, polio, and pneumococcal conjugate vaccine	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses
DTaP, Hib, polio, pneumococcal conjugate vaccine, and meningococcal conjugate vaccine	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV, MenACWY	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses; MenACWY: 1 dose
DTaP, Hib, polio, pneumococcal conjugate vaccine, meningococcal conjugate vaccine, and hepatitis A vaccine	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV, MenACWY, HepA	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses; MenACWY: 1 dose; HepA: 2 doses
DTaP, Hib, polio, pneumococcal conjugate vaccine, meningococcal conjugate vaccine, hepatitis A vaccine, and hepatitis B vaccine	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV, MenACWY, HepA, HepB	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses; MenACWY: 1 dose; HepA: 2 doses; HepB: 3 doses
DTaP, Hib, polio, pneumococcal conjugate vaccine, meningococcal conjugate vaccine, hepatitis A vaccine, hepatitis B vaccine, and meningococcal polysaccharide vaccine	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV, MenACWY, HepA, HepB, MenP	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses; MenACWY: 1 dose; HepA: 2 doses; HepB: 3 doses; MenP: 1 dose
DTaP, Hib, polio, pneumococcal conjugate vaccine, meningococcal conjugate vaccine, hepatitis A vaccine, hepatitis B vaccine, meningococcal polysaccharide vaccine, and tetanus, diphtheria, and acellular pertussis	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV, MenACWY, HepA, HepB, MenP, Tdap	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses; MenACWY: 1 dose; HepA: 2 doses; HepB: 3 doses; MenP: 1 dose; Tdap: 1 dose
DTaP, Hib, polio, pneumococcal conjugate vaccine, meningococcal conjugate vaccine, hepatitis A vaccine, hepatitis B vaccine, meningococcal polysaccharide vaccine, tetanus, diphtheria, and acellular pertussis	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV, MenACWY, HepA, HepB, MenP, Tdap, Td	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses; MenACWY: 1 dose; HepA: 2 doses; HepB: 3 doses; MenP: 1 dose; Tdap: 1 dose; Td: 1 dose
DTaP, Hib, polio, pneumococcal conjugate vaccine, meningococcal conjugate vaccine, hepatitis A vaccine, hepatitis B vaccine, meningococcal polysaccharide vaccine, tetanus, diphtheria, acellular pertussis, and meningococcal polysaccharide vaccine	2, 4, 6, 15-18 months	DTaP, Hib, Polio, PCV, MenACWY, HepA, HepB, MenP, Tdap, Td, MenP	DTaP: 4 doses; Hib: 5 doses; Polio: 4 doses; PCV: 4 doses; MenACWY: 1 dose; HepA: 2 doses; HepB: 3 doses; MenP: 1 dose; Tdap: 1 dose; Td: 1 dose; MenP: 1 dose

This post is unavailable.

1:37 PM · Nov 16, 2023 · **972K** Views

2,434 Reposts
238 Quotes
4,785 Likes
1,269 Bookmarks

https://x.com/TexasLindsay_/status/1725221451140092235 archived at <https://perma.cc/RR88-TZJU>. The post has been viewed 972,000 times, received 206 comments, and was retweeted 2,600 times.

25. On November 8, 2023, Plaintiff made the following post regarding CDC:

TeXasLindsay™ @TexasLinds... · 11/8/23

According to CDC's own website guide for flu shots during **pregnancy**—this post is blatant misinformation. The manufacturer of CDC's recommended flu shot during **pregnancy** states:

There's limited human data & no animal data to establish whether there might be a risk in **pregnancy**. x.com/CDCgov/status/...

Trade name	Available presentations	Approved age indications	dose by age group
Quadrivalent Influenza (Fluzone) Standard-dose—Egg-based (15 µg HA per virus component in 0.5 mL; 7.5 µg HA per virus component in 0.25 mL)			
Fluzone Quadrivalent Sanofi Pasteur	0.5 mL, prefilled syringe	≥6 mos ¹	≥3 yrs—0.5 mL 6 through 35 mos—0.25 mL, or 0.5 mL
	0.5 mL, single-dose vial	≥6 mos ²	
	5.0 mL, multi-dose vial*	≥6 mos ³	

USE IN SPECIFIC POPULATIONS

Pregnancy
High-Dose Quadrivalent is not approved for use in persons <65 years of age. There is limited human data on Fluzone High-Dose and no animal data available to establish whether there is a vaccine-associated risk of Fluzone High-Dose Quadrivalent in pregnancy.

Contraindication
High-Dose Quadrivalent is not approved for use in persons <65 years of age or animal data are available to assess the effects of Fluzone High-Dose Quadrivalent on the breastfed infant or on milk production/excretion.

Pediatric Use
The safety and effectiveness of Fluzone High-Dose Quadrivalent in children younger than 65 years of age have not been established.

Geriatric Use
The immunogenicity, and efficacy of Fluzone High-Dose Quadrivalent have not been established in adults 65 years of age and older (see Adverse Reactions (6.1) and (6.14)).

Association of American Physicians & Surgeons and 11 others

This post is unavailable.

9 52 128 14K

The post was viewed over 14,000 times. https://x.com/TexasLindsay_/status/1722347749943792112 archived at <https://perma.cc/9BFY-DZ54>.

26. On December 1, 2023, Plaintiff made the following post regarding CDC:



https://x.com/TexasLindsay_/status/1730664452419100722 archived at <https://perma.cc/QB46-ET6E>. The post received 133,000 views, was shared 1,200 times, and received 44 comments.

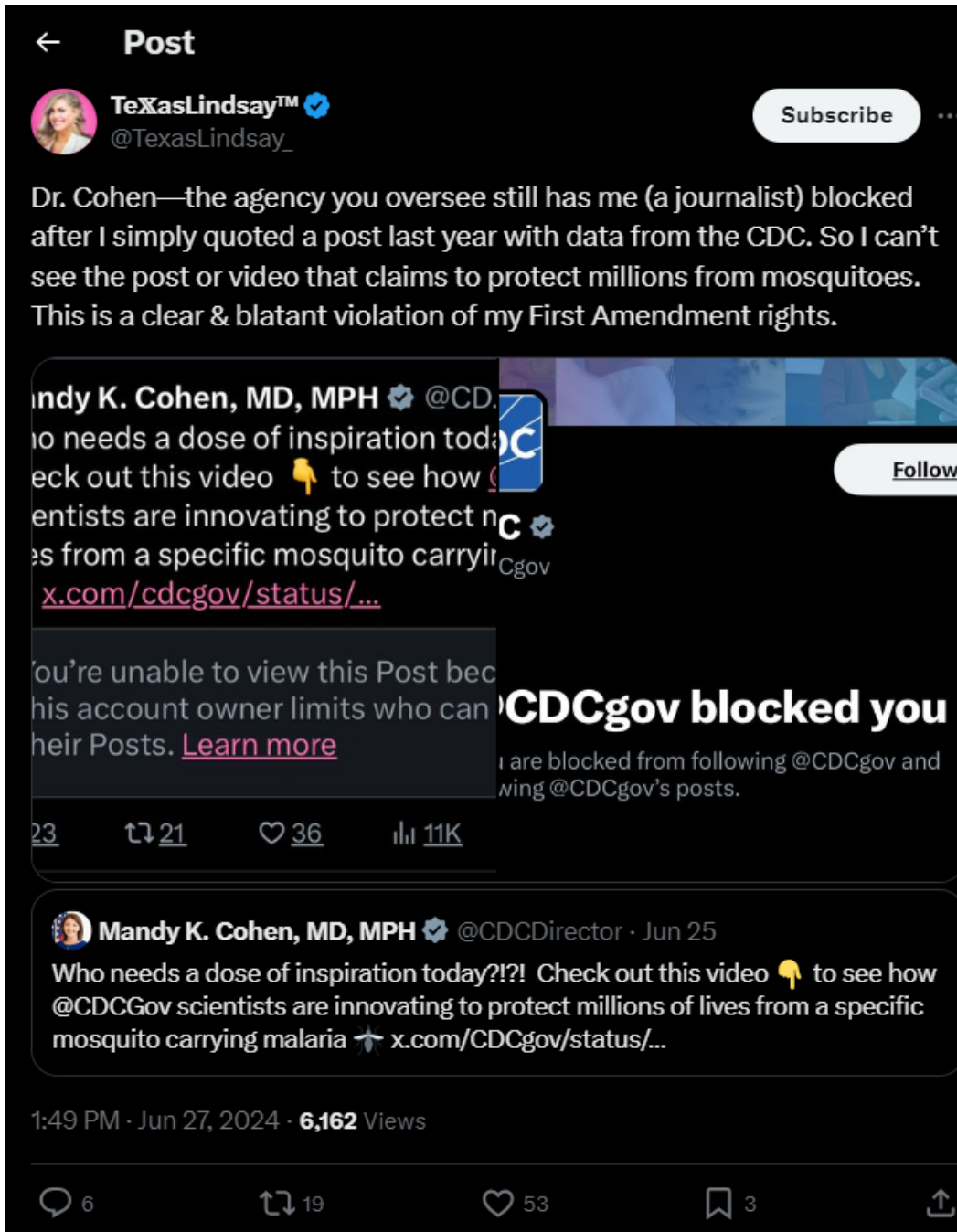
27. Shortly following these especially popular posts, on or about December 16, 2023, Plaintiff became aware that @CDCgov had blocked her X account.



28. Defendants' blocking of Plaintiff from the @CDCgov account has prevented her from viewing or engaging with CDC's tweets and consequently she is no longer able to report on CDC's "daily credible health & safety updates."

29. Defendants' blocking of Plaintiff from the @CDCgov account is motivated by Defendants' disagreement with Plaintiff's viewpoints, and in retaliation for Plaintiff's criticism of CDC and its policies and speech.

30. For the avoidance of doubt, Plaintiff has a present and ongoing intention to post in response to @CDCgov posts but is unable to do so due to the blocking.



COUNT I
FIRST AMENDMENT VIOLATION
(Declaratory and Injunctive Relief)

31. Plaintiff reincorporates the preceding paragraphs as if fully written herein.
32. Defendants' blocking of Plaintiff from the @CDCgov account violates the First

Amendment because it represents a viewpoint-based restriction on her participation in a public forum. Furthermore, it prevents her from accessing official speech that the government otherwise makes available to the general public, which Plaintiff has the constitutional right to see and/or hear.

33. CDC's Guidelines for Public Comments policy is likewise unconstitutional in that it authorizes CDC to engage in viewpoint discrimination in violation of the First Amendment by authorizing CDC to delete or hide Americans' comments whenever CDC disagrees with them.

34. An actual and substantial controversy exists between Plaintiff and Defendants as to their legal rights and duties with respect to whether Defendants' action of blocking her access to the @CDCgov X account violates the United States Constitution.

35. The case is presently justiciable because the constitutional deficiencies apply to Plaintiff, who is currently harmed by Defendants' actions because her access to @CDCgov remains blocked.

36. For the avoidance of all doubt, Defendants: (i) took adverse action against Plaintiff (blocking her from the @CDCgov X account); (ii) Plaintiff engaged in protected speech that was critical of Defendants; and (iii) the blocking was motivated by and caused by Plaintiff's protected speech.

37. Declaratory and Injunctive relief is therefore appropriate to resolve this controversy.

COUNT II

ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706 – ARBITRARY, CAPRICIOUS, AN ABUSE OF DISCRETION, OR OTHERWISE NOT IN ACCORDANCE WITH LAW

38. Plaintiffs reincorporate the preceding paragraphs as if fully written herein.

39. The Administrative Procedure Act ("APA") regulates agency action. Agency

action includes sanctions, including taking restrictive action. 5 U.S.C. §§ 551(10), (13).

40. CDC has taken restrictive action against Plaintiff in blocking her access to @CDCgov.

41. Section 706 of the APA states that a “reviewing court shall” “hold unlawful and set aside agency action, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). Section 706 of the APA also provides that a “reviewing court shall” “hold unlawful and set aside agency action, findings, and conclusions found to be ... contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. §706(2)(B). That includes, as is the case here, violations of the First Amendment.

42. The blocking of the Plaintiff was a “sanction,” within the meaning of 5 U.S.C. § 551(10) and 5 U.S.C. § 706, in that it included both a prohibition, requirement, limitation, or other condition affecting the freedom of a person, via the ability to speak freely on topics of public discourse in a public forum created by Defendants, as well as the withholding of relief, the imposition of a penalty, and/or other compulsory or restrictive action. The blocking of Plaintiff was also an “order,” within the meaning of 5 U.S.C. § 551(6) and 5 U.S.C. § 706, in that it was a final disposition of Plaintiff’s rights.

43. The blocking of the Plaintiff is final agency action, within the meaning of 5 U.S.C. § 706, because it is final agency action for which there is no other adequate remedy.

44. Pursuant to the APA, a court must “compel agency action unlawfully withheld or unreasonably delayed,” 5 U.S.C. § 706(1), and in this case that means directing Defendants to relieve Plaintiff of the sanction—to wit, unblock Plaintiff so that she may continue to exercise her

First Amendment rights and report on CDC's "daily credible health & safety updates" without further restriction.

45. Plaintiff has no adequate remedy available at law.

46. Plaintiff has no adequate or available administrative remedy and, even if there were, any administrative remedy would be futile or unnecessary.

47. Defendants would suffer no harm from the requested relief, and the relief requested would serve the public interest.

48. Plaintiff is entitled to her reasonable attorney fees and costs pursuant to 28 U.S.C. § 24412, as her net worth is under the threshold set forth in that section.

PRAYER FOR RELIEF

49. Declare that Defendants' action of blocking Plaintiff from the @CDCgov account is unconstitutional;

50. Declare that Defendants' action of blocking Plaintiff from the @CDCgov account for viewpoint-based reasons is unconstitutional;

51. Declare that Defendants' "Guidelines for Public Comments" policy is unconstitutional;

52. Enter an injunction requiring Defendants to unblock Plaintiff from the @CDCgov account, and prohibiting Defendants from blocking Plaintiff in the future, including for viewpoint-based reasons;

53. Award Plaintiff her costs, including reasonable attorneys' fees pursuant to 28 U.S.C. 2412; and

54. Grant any additional relief as may be just and proper.

Dated: July 30, 2024

/s/ John C. Sullivan

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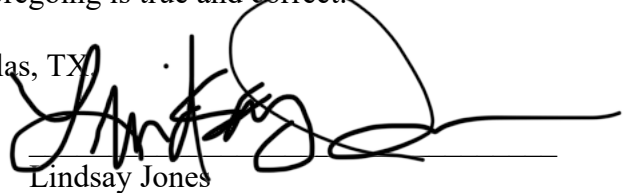
* *Pro Hac Vice* motion forthcoming

VERIFICATION

I, Lindsay Jones, a citizen of the United States and of Texas, have read the foregoing Complaint and know the contents are true to my knowledge on information and belief and I believe them to be true.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 2024 in Dallas, TX



Lindsay Jones

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Lindsay Jones

(b) County of Residence of First Listed Plaintiff Dallas (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attached addendum.

DEFENDANTS

See attached addendum

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 5 U.S.C. § 706(2)(A)
Brief description of cause: Violations of the First Amendment and Administrative Procedures Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

7/30/2024 /s/ John Sullivan

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Case 3:24-cv-01951-L Document 1-1 Filed 07/30/24 Page 2 of 3 PageID 20
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.

ADDENDUM TO CIVIL COVER SHEET (Form JS 44)

I. DEFENDANTS

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; and Centers of Disease Control and Prevention, Mandy Cohen in her official capacity as Director of the Centers for Disease Control and Prevention

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