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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 21-3091

ERICH SMITH; FRANK E. GARWOOD, JR.;
MARIBEL LORENZO; DR. DANIEL DONOFRIO
Appellants

v.

PRESIDENT UNITED STATES OF AMERICA

On Appeal from the United States
District Court for the District of New Jersey
(D.C. Civil No. 1-21-cv-19457)
District Judge: Honorable Christine P. O’Hearn

Before: HARDIMAN, PORTER, and MATEY, *Circuit Judges*

JUDGMENT ORDER

On May 17, 2023, Appellee moved to dismiss this appeal as moot. Having considered the parties’ arguments, we conclude that the appeal is moot and dismissal is appropriate. We express no opinion on whether the case itself is moot, and leave that question for the District Court to consider on remand. Our decision is limited solely to the appeal of the denial of a preliminary injunction. It is accordingly hereby ORDERED that the appeal is dismissed and the matter REMANDED to the District Court for further proceedings.

By the Court,

s/ Paul B. Matey

Circuit Judge

ATTEST:

s/ Patricia S. Dodszeit
Clerk

DATED: August 10, 2023