

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10081

AIR FORCE OFFICER,

on behalf of themselves and all others similarly situated,

AIR FORCE NCO,

on behalf of themselves and all others similarly situated,

AIR FORCE SPECIAL AGENT,

on behalf of themselves and all others similarly situated,

AIR FORCE ENGINEER,

on behalf of themselves and all others similarly situated,

Plaintiffs-Appellants,

versus

LLOYD J. AUSTIN, III,

individually and in his official capacity as Secretary of Defense,

FRANK KENDALL, III,

individually and in his official capacity as Secretary of the Air Force,

ROBERT I MILLER,

Individually and in his official capacity as Surgeon General of the
Air Force,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 5:22-cv-00009-TES

Before BRANCH, GRANT, Circuit Judges, and DAMIAN,* District Judge.

PER CURIAM:

In 2021, during the COVID-19 pandemic, the Department of Defense (DoD) and the Air Force mandated that all service members and civilian employees receive the COVID-19 vaccination or face termination or disciplinary action. The plaintiffs in this case—Air Force Officer, Air Force NCO, Air Force Special Agent, and Air Force Engineer—requested religious exemptions from the mandate based on their sincere religious beliefs. While the mandates purported to allow for such exemptions, the plaintiffs’ requested religious accommodations were all denied. The plaintiffs then brought this lawsuit, challenging both the mandates and the denials of their religious accommodation requests. But while the suit was pending, in response to a statutory command, the DoD rescinded all such COVID-19 vaccine mandates. The district court therefore

* Honorable Melissa Damian, United States District Judge for the Southern District of Florida, sitting by designation.

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dismissed the plaintiffs' complaint as moot. After careful review, we affirm.

I. Background

In August 2021, the Secretary of Defense instructed each military department to require its service members be fully vaccinated against COVID-19. The Air Force issued mandates requiring that all service members receive the COVID-19 vaccination. The DoD later issued a further order requiring civilian employees to be vaccinated as well. The vaccine mandate noted that it was “subject to any . . . exemptions established in Military Department policy” (which included religious accommodation requests). But when the plaintiffs—service members and a civilian employee of the Air Force—each requested a religious accommodation, their requests were denied, and they were forced to choose between vaccination, early retirement (if eligible), or disciplinary action. The plaintiffs thereafter filed this suit, alleging that the COVID-19 vaccine mandates and religious accommodation denials violated the Religious Freedom Restoration Act (RFRA), the First Amendment of the U.S. Constitution, and the Administrative Procedure Act (APA). The plaintiffs sought only declaratory and injunctive relief.

In December 2022, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 was enacted, which, among other things, required the Secretary of Defense to rescind the COVID-19 vaccine requirements for military service members. Pub. L. No. 117-263 § 525, 136 Stat. 2395, 2571–72. On January 10,

2023, the Secretary of Defense rescinded the vaccine mandates and ordered that “[n]o individuals currently serving in the Armed Forces shall be separated solely on the basis of their refusal to receive the COVID-19 vaccination if they sought an accommodation on religious, administrative, or medical grounds.” Shortly thereafter, President Biden issued an executive order rescinding all COVID-19 vaccine requirements for federal workers, such as civilian military employees. *See* Exec. Order No. 14099, 88 Fed. Reg. 30891 (May 9, 2023).

The district court subsequently asked the parties to brief whether the case was moot following the rescission of the vaccine mandates. After briefing, the district court dismissed the plaintiffs’ complaint as moot. The court determined that the plaintiffs’ complaint focused its challenge on the COVID-19 vaccine mandate, and that it did not allege a broader challenge to the Air Force’s general religious accommodation policies and procedures. The court pointed out that the plaintiffs had “never indicated . . . that they’ve asked for a religious accommodation for anything other than the COVID-19 vaccine.” The court also noted that the plaintiffs “never received any dose of a COVID-19 vaccine and none of their official personnel records contain any adverse action related to the vaccination mandates.” The court therefore concluded that, the mandates having been rescinded, there was no

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meaningful relief that the court could provide, and the case was therefore moot.¹ This appeal followed.

II. Discussion

Article III of the Constitution limits our jurisdiction to “Cases” and “Controversies.” U.S. Const. art. III, § 2. That means, in relevant part, that we have no jurisdiction over cases and appeals that are moot—that do not “present a live, ongoing controversy that the court may redress.” *Keister v. Bell*, 29 F.4th 1239, 1249 (11th Cir. 2022). Thus “[i]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to afford the plaintiff or appellant meaningful relief, then the case becomes moot and must be dismissed.” *Baker v. City of Atlanta*, 164 F.4th 850, 860 (11th Cir. 2026) (quotations omitted). We review the question of mootness *de novo*. *Id.*

The defendants argue that this case is moot because, since the filing of this lawsuit, the Air Force has rescinded its COVID-19 vaccine mandates, the subject of the plaintiffs’ challenge. The plaintiffs agree that their challenge to the COVID-19 vaccine

¹ The district court went on to conclude that the government’s voluntary cessation of its allegedly unlawful actions did not provide an exception to mootness because it was unlikely that the federal government would reinstate the COVID-19 vaccine mandates at issue in the case. On appeal, the plaintiffs disclaim that any such exception to mootness applies here, so we do not address this issue.

The court also denied the plaintiffs’ request for leave to amend their complaint, because they had embedded their request in a brief rather than filing a separate motion. The plaintiffs do not appeal this decision.

mandates is moot, but they argue that their amended complaint also “alleges an ongoing challenge to the Air Force’s religious accommodation process itself.” We agree with the defendants that the plaintiffs’ complaint challenges only the COVID-19 vaccine mandates, and the case is therefore moot.

The plaintiffs’ amended complaint clearly challenges the Air Force’s COVID-19 vaccine mandates and its denials of the plaintiffs’ requests for religious exemptions from such mandates. The complaint opens, “In this lawsuit Plaintiffs challenge Defendants’ military and federal civilian employee COVID-19 vaccine mandates because they violate their sincerely held religious beliefs.” The complaint makes clear that the “Plaintiffs do not oppose all vaccines,” and the complaint did not allege that any Air Force policy—or any particular denial of religious accommodation—violated their rights, aside from the COVID-19 vaccine mandates.

The plaintiffs’ factual allegations in their complaint described how each of the plaintiffs asked for religious accommodations that would exempt them from taking the COVID-19 vaccine, and how each request was denied, with potential negative employment consequences for each respective plaintiff such as compulsory early retirement or discipline. As a result of these experiences with the COVID-19 vaccine mandates, the plaintiffs alleged that “[t]he Air Force’s process purporting to

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protect religious rights protected by federal law and the Constitution is both illusory and insincere.”²

Similarly, the causes of action alleged in the complaint all clearly challenged the Air Force’s failure to grant religious exemptions to its COVID-19 vaccine mandates. First, the plaintiffs brought a claim under RFRA, 42 U.S.C. § 2000bb *et seq.*, alleging that the vaccine mandates “violate[d] Plaintiff’s rights and the rights of their fellow service members under RFRA.” They therefore asked the district court to enjoin the defendants “from denying their requests for religious accommodation, from forcing them to retire or separate from the military, and from taking any other adverse action against them based on their unvaccinated status.” Second, the plaintiffs alleged that the vaccine mandates “violate[d] Plaintiffs’ rights . . . under the First Amendment of the United States Constitution” and sought similar injunctive relief. And finally, the plaintiffs alleged that the vaccine mandates violated the APA, 5 U.S.C. §§ 551, 701–706, because they “denied Plaintiffs . . . the opportunity to seek . . . a medical exemption based on their natural immunity” to COVID-19. The plaintiffs’ explanation of each cause of action ties it directly to their challenge of the COVID-19 vaccine mandates and does not suggest a challenge to any other Air Force policy.

As discussed above, the COVID-19 vaccine mandates requiring all military service members and civilian employees to be

² It does not appear from the complaint that any of the plaintiffs had received the vaccine at the time of filing.

vaccinated have been rescinded, and the plaintiffs do not raise any concern that they are likely to be reinstated. This rescission has “end[ed] any actual controversy about the plaintiff[s]’ particular legal rights, and makes redressability by the court an impossibility.” *Keister*, 29 F.4th at 1250 (quotations and citation omitted); *id.* (noting that “so long as the [challenged] law or policy has been unambiguously terminated, any challenge to it is moot, unless a plaintiff identifies a reasonable basis to believe that the policy will be reinstated if the suit is terminated” (quotations omitted)). Thus, because the plaintiffs’ amended complaint challenges only the COVID-19 vaccine mandates and no other Air Force policy from which they desire a religious exemption, and because those mandates have been rescinded, the plaintiffs’ claims are moot, and the district court correctly dismissed the plaintiffs’ amended complaint. See *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1339 (11th Cir. 2001) (*per curiam*) (observing that “the ‘case or controversy’ requirement of Article III unambiguously *forbids* us from considering the question in the absence of a live dispute” (emphasis in original)).

The plaintiffs argue that their complaint is not moot, because it includes “sufficient facts to state a challenge to the religious exemption process” more generally. They point to a few allegations from the complaint they believe support this reading of the complaint. But each quote the plaintiffs cite from the complaint fails to demonstrate a challenge to anything other than the COVID-19 vaccine mandates and associated religious exemption denials.

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For example, the complaint alleged that “Defendants’ orders, policies, and actions deprived and will continue to deprive Plaintiffs . . . of their paramount rights and guarantees under federal law, including under RFRA, the United States Constitution, and the APA.” While this paragraph does generally mention “orders, policies, and actions,” the rest of the complaint clarifies that the “orders, policies, and actions” at issue are the vaccine mandates and the denials of the plaintiffs’ requested religious accommodations. These actions form the basis for the plaintiffs’ claims of RFRA, constitutional, and APA violations.

Similarly, the plaintiffs cite language alleging that “Defendants have adopted a policy of denying all religious accommodations without considering particular circumstances,” suggesting that this language made a broader challenge to the religious accommodation system as a whole. But the sentence that includes the quoted language makes clear that the plaintiffs were complaining of religious accommodation denials that followed the COVID-19 vaccine mandates’ own “invit[ation] [to] service members to apply for religious exemptions.” In each case, seemingly more general language in the complaint to which the plaintiffs point clearly refers to the COVID-19 vaccine mandates and associated denials of religious accommodations when read in the context of the entire complaint.³

³ The plaintiffs cite other places their complaint refers to “the Air Force’s process purporting to protect religious rights” and the Air Force’s “policy, practice, or procedure” of categorically denying religious accommodations.

The plaintiffs attempt to bolster their argument by pointing to two Fifth Circuit decisions and one Texas district court decision that concluded that potentially similar military COVID-19 vaccine mandate cases were not moot following the DoD's rescission of those mandates. *See Crocker v. Austin*, 115 F.4th 660 (5th Cir. 2024); *Jackson v. Noem*, 132 F.4th 790 (5th Cir. 2025); Order, *U.S. Navy Seals 1–26 v. Austin*, No. 21-cv-01236 (N.D. Tex. Feb. 14, 2024). In response, the defendants cite several appellate and district court decisions concluding that cases challenging various military COVID-19 vaccine mandates were indeed moot. While the decisions of our sister circuits can be instructive, mootness is highly case specific, especially when, as here, it turns on the particular factual allegations and legal claims in the plaintiffs' complaint. In this case, it is clear that claims in the plaintiffs' amended complaint—targeted at the COVID-19 vaccine mandate—are moot, so we need not delve into the similarities to or differences from complaints considered by our sister circuits.⁴

But, again, these statements were made in the context of the plaintiffs' repeated allegations regarding the Air Force's COVID-19 vaccine mandates and associated denials of religious accommodations.

⁴ The plaintiffs also argue that the district court erred below when it relied in part on the amended complaint's prayer for relief when reaching its conclusion that the case was moot. We do not reach this argument, because the complaint as a whole demonstrates that the plaintiffs challenged only the COVID-19 vaccine mandates and related religious accommodation denials.

Because we conclude that the amended complaint did not generally challenge the religious exemption policy outside the context of the COVID-19 vaccine mandate, we do not address the plaintiffs' arguments that such a challenge is

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Thus, because the plaintiffs' amended complaint challenged only the Air Force's COVID-19 vaccine mandates and associated religious accommodation denials, and because those mandates have been rescinded, the plaintiffs' complaint is moot.

III. Conclusion

We **AFFIRM** the district court's dismissal of the plaintiffs' amended complaint.⁵

AFFIRMED.

not moot and that it is ripe. We also decline to address the plaintiffs' Equal Protection argument on appeal, because the plaintiffs brought no Equal Protection claim in their complaint, and a plaintiff may not amend his complaint through arguments made in a brief. *See Miccosukee Tribe of Indians of Fla. v. United States*, 716 F.3d 535, 559 (11th Cir. 2013).

⁵ After briefing concluded, the plaintiffs filed a motion to supplement the record. We deny the motion as moot.