

667 Fed.Appx. 537 (Mem)

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See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 6th Cir. Rule 32.1.

United States Court of Appeals,
Sixth Circuit.

April MILLER, Ph.D., et al., Plaintiffs–Appellee,
v.
Kim DAVIS, individually, Defendant–Appellant.

Nos. 15–5880

|
15–5978

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July 13, 2016

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

Attorneys and Law Firms

William E. Sharp, American Civil Liberties Union of Kentucky, Louisville, KY, Daniel Mach, Heather L. Weaver, American Civil Liberties Union, Washington, DC, Daniel J. Canon, Law Offices, Louisville, KY, Leonard Joe Dunman, Laura E. Landenwich, Clay, Daniel, Walton & Adams, Louisville, KY, James D. Esseks, Ria Tabacco Mar, ACLU, New York, NY, for Plaintiffs–Appellees.

Horatio Gabriel Mihet, Liberty Counsel, Maitland, FL, Mathew D. Staver, Roger K. Gannam, Liberty Counsel, Orlando, FL, Anthony Charles Donahue, Donahue Law Group, Somerset, KY, for Defendant–Appellant.

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Footnotes

* The Honorable Judith E. Levy, United States District Judge for the Eastern District of Michigan, sitting by designation.

Fund.

Richard Brian Katskee, Americans United for Separation of Church and State, *538 Washington, DC, Amicus Curiae Americans United for Separation of Church and State.

BEFORE: BATCHELDER and KETHLEDGE, Circuit Judges; LEVY, District Judge.*

ORDER

This matter is before the Court on a Motion to Dismiss for Lack of Jurisdiction filed by Appellant Kim Davis. The motion has been fully briefed, and the parties agree that Kentucky Senate Bill 216, which will go into effect before we are scheduled to hear oral argument in this case, will render these consolidated appeals moot. We therefore dismiss these appeals and remand this matter to the district court with instructions to vacate its August 12, 2015 preliminary injunction order [DE 43] and its September 3, 2015 order modifying that injunction [DE 74]. See *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39, 71 S.Ct. 104, 95 L.Ed. 36 (1950). The district court's September 3, 2015 order holding Davis in contempt of court [DE 75] does not meet the requirements for vacatur under *Munsingwear* and its progeny, and it is therefore not vacated.

ENTERED BY ORDER OF THE COURT

All Citations

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