

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 2, 2021

Lyle W. Cayce
Clerk

No. 21-40001

LOUIE GOHMERT; TYLER BOWYER; NANCY COTTLE; JAKE
HOFFMAN; ANTHONY KERN; JAMES R. LAMON; SAM
MOORHEAD; ROBERT MONTGOMERY; LORAINÉ PELLEGRINO;
GREG SAFSTEN; KELLI WARD; MICHAEL WARD,

Plaintiffs—Appellants,

MARIAN SHERIDAN; MESHAWN MADDOCK; MARI-ANN HENRY;
AMY FACCHINELLO; MICHELE LUNDGREN,

Movants—Appellants,

versus

MICHAEL R. PENCE,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:20-CV-660

Before HIGGINBOTHAM, SMITH, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

This administrative panel is presented with an emergency motion for expedited appeal. We have appellate jurisdiction under 28 U.S.C. § 1291. That includes jurisdiction to determine both our and the district court's jurisdiction. We have the benefit of the briefing before the district court and its 13-page opinion styled Order of Dismissal, issued January 1, 2021. That order adopts the position of the Department of Justice, finding that the district court lacks jurisdiction because no plaintiff has the standing demanded by Article III. We need say no more, and we affirm the judgment essentially for the reasons stated by the district court. We express no view on the underlying merits or on what putative party, if any, might have standing. The motion to expedite is dismissed as moot. The mandate shall issue forthwith.

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* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.