

Felton, 521 U.S. 203, 235 (1997). Therefore, the *Arizona* decision, if it means what the Governor says it means, must be overruled.

Conclusion

The Defendants' motion to dismiss should be denied.

Dated: February 5, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing of the foregoing document as well as via US Mail to all non-ECF participants.

/s/ Erick G. Kaardal