

NOT RECOMMENDED FOR PUBLICATION

File Name: 16a0393n.06

Nos. 15-5880 & 15-5978

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Jul 13, 2016
DEBORAH S. HUNT, Clerk

APRIL MILLER, Ph.D., et al.,)
)
Plaintiffs-Appellee,)
)
v.)
)
KIM DAVIS, individually,)
)
Defendant-Appellant.)

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

ORDER

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

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 (1950). The district court's

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

Nos. 15-5880 & 15-5978, *Miller v. Davis*

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

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Re: Case No. 15-5880/15-5978, *April Miller, et al v. Kim Davis*
Originating Case No. : 0:15-cv-00044

Dear Counsel,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Michelle M. Davis
Case Manager
Direct Dial No. 513-564-7025

cc: Mr. Robert R. Carr

Enclosure

Mandate to issue