

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. DANIEL HALLER and LONG
ISLAND SURGICAL PLLC,

Plaintiffs,

JUDGMENT

v.

21-CV-7208 (AMD) (AYS)

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services, U.S. OFFICE OF PERSONNEL MANAGEMENT, KIRAN AHUJA, in her official capacity as Director of the U.S. Office of Personnel Management, U.S. DEPARTMENT OF LABOR, MARTIN J. WALSH, in his official capacity as Secretary of Labor, U.S. DEPARTMENT OF THE TREASURY, and JANET YELLEN, in her official capacity as Secretary of the Treasury,

Defendants.

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A Memorandum, Decision and Order of Honorable Robert M. Levy, United States

Magistrate Judge, having been filed on August 10, 2022, denying the plaintiffs’ motion for preliminary injunction; dismissing the plaintiffs’ Seventh Amendment and takings claims with prejudice; and dismissing their due process claim for lack of subject matter jurisdiction without prejudice; it is

ORDERED and ADJUDGED that the plaintiffs’ motion for preliminary injunction is denied; that the plaintiffs’ Seventh Amendment and takings claims are dismissed with prejudice; and that their due process claim is unripe and is dismissed for lack of subject matter jurisdiction without prejudice.

Dated: Brooklyn, New York
August 11, 2022

Brenna B. Mahoney
Clerk of Court

By: /s/Jalitz Poveda
Deputy Clerk