

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

STATE OF MISSOURI ET AL

CIVIL ACTION NO. 22-1213

VERSUS

JUDGE DOUGHTY

JOSEPH R BIDEN JR ET AL

MAG. JUDGE MCCLUSKY

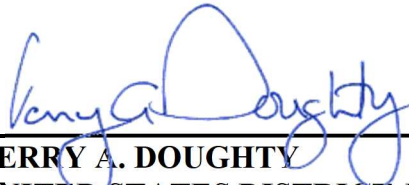
ORDER

This case has been remanded to our jurisdiction following the Supreme Court’s ruling in *Murthy v. Missouri*, 144 S. Ct. 1972 (2024). *See Missouri v. Biden*, No. 23-30445, 2024 WL 3933710 (5th Cir. Aug. 26, 2024). Put simply, the Supreme Court held that Plaintiffs here failed to sufficiently establish Article III standing for the purposes of obtaining a preliminary injunction. *Murthy*, 144 S. Ct. at 1997. Lack of standing is a defect in subject matter jurisdiction. *See Bender v. Williamsport Area School District*, 475 U.S. 534, 541-42, 49 (1986). And without subject matter jurisdiction, a case cannot remain. *See Stockman v. Fed. Election Comm’n*, 138 F.3d 144, 151 (5th Cir. 1998) (“It is incumbent on all federal courts to dismiss an action whenever it appears that subject matter jurisdiction is lacking.”). With these principles in mind,

IT IS ORDERED that the parties brief their respective positions on whether further jurisdictional discovery limited to the issue of standing could aid this court’s evaluation of its continuing jurisdiction over this case, or alternatively, whether dismissal is appropriate. *See Mid City Tower, LLC v. Certain Underwriter's at Lloyd's London*, No. CV 21-440-SDD-EWD, 2023 WL 7064162 at *3 (M.D. La. Oct. 26, 2023) (cleaned up) (“When subject matter jurisdiction is challenged, a court has authority to resolve factual disputes, and may devise a method to make a determination as to jurisdiction, which may include considering affidavits, allowing further discovery, hearing oral testimony, or conducting an evidentiary hearing. District courts may

permit jurisdictional discovery to determine whether the court has subject matter jurisdiction.”). Accordingly, Plaintiffs’ brief shall be due twenty-one (21) days from the signing of this Order, Defendants’ brief shall be due twenty-one (21) days from the filing of Plaintiffs’ brief, and Plaintiffs’ reply shall be due fourteen (14) days from the filing of Defendants’ brief.

THUS DONE AND SIGNED this 27th day of August, 2024.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE