

Grounded Frequent Flyer Asks Court to Terminate Federal Transportation Mask Mandate

Motion for Summary Judgment Filed Same Day Texas Sues to Stop Illegal CDC Policy

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A frequent flyer grounded because he medically can’t tolerate wearing a face mask [filed for summary judgment today](#) asking a U.S. district judge to strike down the Federal Transportation Mask Mandate ordered by the Centers for Disease Control & Prevention, advancing the case into final proceedings after a legal battle that began in early June. The motion was filed only hours after Texas became the first state to sue the federal government to halt the mask requirement.

Plaintiff Lucas Wall, 44, of Washington, D.C., argues CDC’s mask mandate is illegal and unconstitutional. He charges CDC and its parent agency, the Department of Health & Human Services, with eight counts of violating the Constitution and federal law by imposing a requirement that all passengers and employees throughout the nation’s entire public-transportation system obstruct their oxygen intake. Wall also charges the agencies with four constitutional and statutory violations for the International Traveler Testing Requirement, which mandates that all airline passengers flying to the United States – but not travelers entering the country by land or sea – submit a negative COVID-19 test within one day of departure.

“The Court should vacate the Federal Transportation Mask Mandate and International Traveler Testing Requirement as well as permanently enjoin CDC and HHS from issuing any future orders mandating transportation passengers and workers don face masks as well as that passengers flying to the United States present a negative COVID-19 test prior to check-in,” Wall asserts in the motion. “The Biden Administration has issued numerous mandates related to the COVID-19 pandemic attempting to coerce Americans to wear masks, get vaccinated, and/or endure regular virus testing. ... Every significant Executive Branch pandemic mandate has been blocked in the courts except for three: The FTMM, ITTR, and HHS’ requirement that all healthcare workers at facilities

accepting Medicare and Medicaid get inoculated.”

Wall lodged an amended complaint Dec. 26 after U.S. District Judge Paul Byron ruled Dec. 18 that his claims against CDC, HHS, the Central Florida Regional Transportation Authority, and the Greater Orlando Aviation Authority could proceed to a final determination, refusing to dismiss those charges. He has been stranded in Florida since Southwest Airlines and the Transportation Security Administration, enforcing CDC’s order, refused to let him board a flight maskless June 2, 2021, at Orlando International Airport. The federal mask mandate is currently in effect until at least March 18, 2022.

His motion contends CDC failed to take into account that the mask mandate discriminates against passengers with medical conditions who can’t tolerate having their breathing blocked, the voluminous scientific and medical research showing masks have proven to be totally ineffective in reducing COVID-19 spread and deaths, and that masks pose serious health risks to humans forced to wear them.

Wall, chairman of Americans Against Mask Mandates, asks Byron to declare both the FTMM and ITTR contrary to statute and unconstitutional, vacate the orders, and permanently enjoin their enforcement worldwide. He also demands an order that CDC and HHS “immediately ensure all federal agencies remove all signs informing passengers of the requirement to wear a mask from all airports, transportation hubs, and other locations worldwide as well as to remove from its website and in all of its publications any references to the” mask mandate and testing requirement.

His court filing came on the same day a federal judge in Boston instructed American Airlines and Southwest Airlines to stop discriminating against a 4-year-old boy with autism who can’t wear a face covering, a major win for Americans Against Mask Mandates members who have brought 11 lawsuits against CDC, HHS, TSA, and nine airlines. And Thursday the Health Freedom Defense Fund will also move for summary judgment against the FTMM in a case at the federal court in Tampa, Florida.

Read more and download Wall’s motion for summary judgment at www.lucas.travel.

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