



# THOMAS MORE Law Center

Richard Thompson, Esq.  
President & Chief Counsel

Erin Elizabeth Mersino, Esq.  
Chief, Supreme Court & Appellate Practice

24 Frank Lloyd Wright Drive • P.O. Box 393 • Ann Arbor, Michigan 48106 • (734) 827-2001 • Fax: (734) 930-7160

August 30, 2023

Hon. Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States 1 First Street, NE  
Washington, DC 20543

Re: *Captain Mariella Creaghan v. Austin, et al.*, No. 22-1201

Dear Mr. Harris,

I write to further explain a statement made in the Petition for a Writ of Certiorari in the above captioned case. On page 13, the Petition states, “Captain Creaghan’s Individual Medical Readiness (IMR) status still indicates that she is classified as ‘not medically ready.’” Pet. 13. After the Petition was filed, Respondents brought to Counsel’s attention that while Captain Creaghan was labeled as “not medically ready” this distinction is no longer due to the status of her COVID-19 vaccination. It is expected that Captain Creaghan will be labeled as “medically ready” soon. Captain Creaghan hopes this added information avoids any confusion that this statement may have caused.

This clarification, however, should not affect the Court’s analysis pertaining to the issue presented, which asks for clarity regarding the scope and application of the voluntary cessation exception to mootness. Pet. i. Captain Creaghan maintains that Respondents’ voluntary cessation of its policies and actions, while retaining the freedom to reimpose them and return to its behavior at any time, falls under an exception to the mootness doctrine. Pet. 15-24. This argument is exemplified by the Petition for Writ of Certiorari filed by Respondents in *Doster v. Kendall*, No. 23-154 on August 16, 2023 in which Respondents continue to advocate for their ability to deny servicemembers’ requests for religious exemptions, as they are seeking to vacate the preliminary injunction granted by the Sixth Circuit that enjoined their policies and decisions because they violated the Religious Freedom Restoration Act. 42 U.S.C. 2200bb *et seq.* (1993).

Thank you for your attention to this matter. Please advise if you have additional questions or if Petitioner Captain Creaghan may provide further information on this matter.

Sincerely,

/s/ Erin Elizabeth Mersino  
Erin Elizabeth Mersino

cc: Counsel of Record for the Parties

IN THE SUPREME COURT OF THE UNITED STATES

No. 22-1201

Captain Mariella Creaghan, Petitioner,  
v.  
Lloyd J. Austin, III, et al., Respondents.

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**CERTIFICATE OF SERVICE**

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I, Erin Elizabeth Mersino, counsel for Petitioner Captain Mariella Creaghan, hereby certify that on this 30th day of August 2023, I caused the foregoing Petitioner's Letter to the Clerk of the Court to be served by Next Day Service to the U.S. Supreme Court, and 3 copies were sent via Next Day Service and by electronic mail to the following parties listed below:

Elizabeth B. Prelogar  
Solicitor General  
United States Department of Justice Room 5616  
950 Pennsylvania Avenue, NW Washington, DC 20530-0001  
(202) 514-2217 SupremeCtBriefs@USDOJ.gov

*Counsel for Respondents*

I further certify that all parties required to be served have been served.

/s/ Erin Elizabeth Mersino  
Erin Elizabeth Mersino

THOMAS MORE LAW CENTER  
24 Frank Lloyd Wright Drive  
Ann Arbor, MI 48105  
(734) 827-2001  
emersino@thomasmore.org

*Counsel for Petitioner*