

FEDERAL CONTRACTOR ALERT: 11th

Circuit Keeps Injunction of Federal

Contractor Vaccine Mandate in Place

For Now

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This means that the federal government cannot enforce the mandate until the 11th Circuit decides the appeal itself, which—based on the briefing scheduled entered by the Court—will likely not occur until late January or early February 2022. That decision will impact its enforceability going forward.

In its denial order, the 11th Circuit did not address or opine on the merits of the appeal itself, so it remains unclear exactly how it will rule on the validity of the mandate. Instead, the Court denied the stay because the federal government did not make an adequate showing of irreparable harm—that is, “the most critical” factor in considering whether to grant a stay.

Nonetheless, the Court did set an expedited briefing schedule that will conclude on January 24, 2022, with oral argument to occur during the next available setting. Stay tuned.