

No. 23-1062

In the Supreme Court of the United States

MARK CHANGIZI, ET AL., PETITIONERS

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT*

MEMORANDUM FOR THE RESPONDENTS

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Petitioners are individual social-media users who contend (Pet. 7-17) that federal government officials allegedly coerced social-media companies into moderating content that petitioners had posted on the platforms, in violation of the First Amendment. The court of appeals held that petitioners lack Article III standing. See Pet. App. 1a-15a.

This Court has granted review in *Murthy v. Missouri*, No. 23-411 (argued Mar. 18, 2024), to address similar claims brought by five individuals and two States, including the question whether the plaintiffs have Article III standing. See Gov't Br. at I, *Murthy*, *supra* (No. 23-411). The court of appeals here was aware of the Fifth Circuit's decision in *Murthy* but found this case distinguishable. See Pet. App. 15a n.8. Nevertheless, this Court's resolution of the questions presented in *Murthy* could conceivably affect the judgment of the court of appeals below. Accordingly, the

Court should hold the petition for a writ of certiorari pending its decision in *Murthy* and then dispose of this petition as appropriate.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.