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Vaccinated man sues feds at Supreme Court to unpend federal mask mandate for travel

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A Washington man took his case to the Supreme Court against the federal government to unpend the federal mask mandate for travelers who are fully vaccinated against COVID-19 like him, claiming his anxiety order prevents him from complying with the face mask requirement.

Lucas Wall, a journalist who lives in Washington, D.C., suffers from Generalized Anxiety Order, which prevents him from wearing a face mask. He said the mask makes him feel as though he's having a panic attack and it's difficult to breathe.

He filled out a medical exemption form with an airline but was denied the ability to fly between Orlando and Fort Lauderdale in June due to the mask requirement.

"It is essentially stranding millions of Americans in place," Mr. Wall said. "There's just no legal authority for them to do this."

Mr. Wall sued the Centers for Disease Control and Prevention last month in federal district court in Florida, requesting an injunction against the feds' mandate but lost, sparking him to represent himself in a court filing submitted last week to Justice Clarence Thomas, who oversees appeals from the state of Florida.

He's hoping to hear back from the high court by Friday, noting he is scheduled to fly overseas to visit his brother on Saturday — a trip he has twice had to reschedule due to the mask requirement. And he's also been staying with his mother in Florida, unable to travel back to Washington, D.C.

"I'm not just pursuing this case personally for myself, but because there are so many Americans being banned from using any transportation in America," Mr. Wall said, noting the federal mask mandate applies to airlines, busses, trains and even Uber car service.

Neither a spokesperson from the Centers for Disease Control and Prevention or from the Justice Department immediately responded to a request for comment about the case.

Josh Blackman, a professor at South Texas College of Law, noted Mr. Wall — who is not a lawyer — is representing himself in the lawsuit, and the Circuit Court of Appeals for the 11th Circuit has not had a chance to review his case.

“The Supreme Court will not rule on an issue that the lower courts have not yet passed over. This general rule is especially appropriate for cases seeing emergency relief. I think this claim will be denied quickly,” he said.

Ilya Shapiro, vice president with the Cato Institute, said at a certain point the federal mask mandate is “arbitrary.”

“Whether courts will find that this point has been reached, at least as applied to people who have a medical reason for not wearing a mask — assuming this guy’s anxiety disorder is legitimate — is anybody’s guess,” he said.

Mr. Lucas organized a GoFundMe for his legal expenses, saying it is just too costly to hire a lawyer. He has raised more than \$1,200.