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Media Inquiries: [Judy Pino](#), 202-869-5218

Ohio Federal Court Rules CDC's Eviction Moratorium Unlawful, Partly Relying on NCLA Amicus Brief

Skyworks, LTD., et al. v. Centers for Disease Control and Prevention, et al.

Washington, DC (March 10, 2021) — The New Civil Liberties Alliance commends the U.S. District Court for the Northern District of Ohio for today's [ruling](#) in the case, *Skyworks, LTD., et al., v. Centers for Disease Control and Prevention, et al.* The court held that the nationwide moratorium issued by the Centers for Disease Control and Prevention (CDC) stopping residential evictions exceeded the agency's statutory authority.

NCLA, a nonpartisan, nonprofit civil rights group filed an [amicus brief](#) in November 2020 on behalf of the National Apartment Association and the National Association of Residential Property Managers in support of the challenge brought by Plaintiffs. The court's ruling closely tracked NCLA's argument and stated that the statute could not be extended to give CDC the kind of power necessary to overrule state law. The court then declared the moratorium order invalid—nationwide.

The Plaintiffs in this case made the same arguments that NCLA presented in *Brown v. CDC* NCLA's challenge to CDC's Nationwide Eviction Moratorium Order. The Ohio federal court took aim at the decision in *Brown* denying a preliminary injunction, saying that decision had "the feel of adopting strained or forced readings of the statute, stretching to rationalize the governmental policy at issue." The court concluded, "That is not a proper methodology of statutory interpretation. Nor is it the proper role of the courts. Although the Court reaches a different result than the *Brown* ... Court[], the language of the statute compels that result."

NCLA has appealed the Northern District of Georgia's decision in *Brown v. CDC* to the Eleventh Circuit U.S. Court of Appeals. We will encourage the appellate court to follow the reasoning of today's opinion. NCLA congratulates the Pacific Legal Foundation, which served as lead counsel for the Plaintiffs, on this terrific outcome.

NCLA released the following statements:

"In striking down the eviction order, the court sent a strong message that our civil liberties must be protected most especially in a crisis. Judge Calabrese correctly recognized that, even in a pandemic, we should all be deeply troubled by CDC's claim that it has 'boundless' authority to take any action, with only 'the judgment of the Director of the CDC or other experts for its limits.'"

— **Caleb Kruckenberg, NCLA Litigation Counsel**

"Judicial fidelity to law is the guarantor of American liberty. Today in Ohio, the rule of law prevailed over the rule of wishful thinking and administrative agency power grabs. Congress never gave the Centers for Disease Control the power to issue a nationwide eviction moratorium. By recognizing that simple truth today, Judge Calabrese has struck a blow for liberty under law. It is now up to the states to address the interrelated problems of evictions and unpaid housing providers in a lawful fashion."

— Mark Chenoweth, NCLA Executive Director and General Counsel

For more information about this case visit [here](#).

For more information about the *Brown v. CDC* case visit [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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