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Attorney General Marshall Urges Supreme Court to Strike Down California's COVID Vaccine Mandate

(Washington, D.C.) –Attorney General Steve Marshall joined an amicus brief urging the U.S. Supreme Court to hear a constitutional challenge to a California school district's COVID-19 vaccine mandate. The case, *Health Freedom Defense Fund, Inc. v. Carvalho*, was filed after the Los Angeles Unified School District fired over 500 employees who refused to comply with the district's vaccine mandate in 2021. The en banc Ninth Circuit affirmed the district court's dismissal of the employees' claims.

The States' brief argues that the Supreme Court's review is needed to reaffirm the Constitution's protection of an individual's right to refuse medical treatment. While the Court has in the past recognized a narrow exception to that right—as in a 1905 case allowing a city to require vaccines to stop the spread of smallpox—the States urged the Court to correct the Ninth Circuit's ruling that allowed the exception to swallow the rule. By allowing governments to force vaccination even when doing so does not prevent the spread of disease, the States argued, the Ninth Circuit's holding gives governments “carte blanche to require a vaccine or even medical treatment against people's will.

“California's political theater of mandatory COVID-19 vaccination for school employees is obviously unconstitutional,” Attorney General Marshall said. “And the Ninth Circuit's decision treats a very narrow exception for protecting public health as a green light for governments to impose unlawful medical policies across the board. This case is thus about drawing a clear line between legitimate public health measures and radical mandates that infringe on individual freedom. We urge the Supreme Court to take the case and reverse the Ninth Circuit's decision.”

Alabama joined the Texas-led brief and was joined by Alaska, Arkansas, Idaho, Iowa, Kansas, Louisiana, Montana, Nebraska, South Carolina, and Utah.

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