

No. 25-5036

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Oct 1, 2025
KELLY L. STEPHENS, Clerk

DANIEL ALEXANDER HORWITZ,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 UNITED STATES DISTRICT COURT FOR THE)
 MIDDLE DISTRICT OF TENNESSEE,)
 NASHVILLE DIVISION, et al.,)
)
 Defendants-Appellees.)

ORDER

Before: STRANCH, READLER, and MATHIS, Circuit Judges.

Plaintiff Daniel Alexander Horwitz appeals the district court’s dismissal of his suit against the United States District Court for the Middle District of Tennessee, Chief District Judge William L. Campbell, Jr., and District Judges Aleta A. Trauger, Waverly D. Crenshaw, Jr., and Eli J. Richardson, arguing that Local Rule 83.04(a)(2) violates the First Amendment, both on its face and as applied to him. The parties agree that recent amendments to Local Rule 83.04(a)(2) render this appeal moot. Horwitz now moves to vacate the district court’s order and remand with instructions to dismiss the suit. Defendants argue that vacatur is unnecessary.

The decision to vacate a lower court’s order is left to our equitable discretion, guided by three criteria: whether a party moves for vacatur; whether the order would have a preclusive effect on subsequent litigation; and the movant’s role in mootness. *Mktg. Displays Int’l v. Shaw*,

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93 F.4th 967, 971 (6th Cir. 2024). Only the second criterion—which this court considers “most important[.]”—is at issue here. *Id.*

The district court dismissed Horwitz’s suit on the grounds that he had not suffered a cognizable injury for Article III standing. “[D]ismissals based on a lack of standing or ripeness can have a preclusive effect on subsequent litigation.” *Am. Coll. of Peds. v. Becerra*, No. 23-5053, 2024 WL 3206579, at *3 (6th Cir. June 27, 2024) (per curiam). Although Horwitz’s argument relies on the speculative possibility that the Middle District might issue a similar Local Rule in the future, the “established practice” in federal court is to vacate district court orders that become moot while on appeal. *Arizonans for Off. Eng. v. Arizona*, 520 U.S. 43, 71 (1997) (quoting *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950)). Because it cannot be said that “there’s no chance that the challenged portion of the district court’s order will have a preclusive effect,” we will follow that established practice and vacate the district court’s order. *Am. Coll. of Peds.*, 2024 WL 3206579, at *3 (quoting *Mktg. Displays Int’l*, 93 F.4th at 972

Accordingly, the motion is **GRANTED**. The district court’s order is **VACATED**, and this appeal is **REMANDED** to the District Court for the Middle District of Tennessee with instructions to dismiss the underlying suit as moot.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk