

Ninth Circuit Court of Appeals Re COVID-19 Experimental Injections



By: Devvy

June 10, 2024

"Liars often set their own traps." – Aesop

Great excitement hit the Internet on June 8, 2024:

[9th Circuit Court of Appeals Acknowledges Plaintiffs' Claim that COVID-19 mRNA Jab is NOT a Vaccine, But a Therapeutic](#)

"In a contentious case involving the Health Freedom Defense Fund and other plaintiffs versus the Los Angeles Unified School District (LAUSD), the court acknowledged the plaintiffs' claim that the COVID-19 mRNA vaccines do not meet the traditional definition of vaccines because they do not prevent the spread of the virus but only mitigate symptoms."

"As author, Jim Hoft points out in the article, "So, look at what the CDC did. Here's the definition the CDC used on 26 August 2021:

- Vaccine– "a product that stimulates a person's immune system to produce immunity to a specific disease."
- Vaccination– "the act of introducing a vaccine into the body to produce immunity to a specific disease."

"Rather than admit the COVID-19 vaccine is not working as advertised, the CDC took a page out of Orwell's 1984 and opted

for new spin language.”

Likely few Americans knew anything about the Center for Disease Creation (CDC) playing semantics because like the FDA, they lie every time they open their mouths. However, there was a clarification to the article above:

Disclaimer: “This article has been updated to clarify that the 9th Circuit Court of Appeals did not definitively state that the mRNA COVID-19 vaccines do not qualify as traditional vaccines. Instead, the court allowed the plaintiffs’ allegations—that the mRNA COVID-19 vaccines are not traditional vaccines because they do not effectively prevent the spread of the virus—to be considered plausible at this stage of the litigation.”

Okay, so back to the lower court it goes; Argued and Submitted September 14, 2023, Seattle, Washington. Filed June 7, 2024. There is an important concurring opinion on [page 5 of the appeals court’s decision](#):

“Concurring, Judge Collins wrote separately to address a crucial point that the district court overlooked. Pursuant to more recent Supreme Court authority, compulsory treatment for the health benefit of the person treated—as opposed to compulsory treatment for the health benefit of others—implicates the fundamental right to refuse medical treatment. Plaintiffs’ allegations here are sufficient to invoke that fundamental right. Defendants note that the vaccination mandate was imposed merely as a “condition of employment,” but that does not suffice to justify the district court’s application of rational-basis scrutiny.”

And page 19: “At this stage, we must accept Plaintiffs’ allegations that the vaccine does not prevent the spread of COVID-19 as true. *Twombly*, 550 U.S. at 556. And, because of this, *Jacobson* does not apply. LAUSD cannot get around this standard by stating that Plaintiffs’ allegations are wrong.

Nor can LAUSD do so by providing facts that do not contradict Plaintiffs' allegations. It is true that we "need not [] accept as true allegations that contradict matters properly subject to judicial notice." *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001).

"But even if the materials offered by LAUSD are subject to judicial notice, they do not support rejecting Plaintiffs' allegations. LAUSD only provides a CDC publication that says "COVID-19 vaccines are safe and effective." But "safe and effective" for what? LAUSD implies that it is for preventing transmission of COVID-19 but does not adduce judicially noticeable facts that prove this.

"We note the preliminary nature of our holding. We do not prejudge whether, on a more developed factual record, Plaintiffs' allegations will prove true. But "[w]hether an action 'can be dismissed on the pleadings depends on what the pleadings say.'" *Marshall Naify Revocable Tr. v. United States*, 672 F.3d 620, 625 (9th Cir. 2012) (quoting *Weisbuch v. County of Los Angeles*, 119 F.3d 778, 783 n.1 (9th Cir. 1997)). Because we thus must accept them as true, Plaintiffs have plausibly alleged that the COVID-19 vaccine does not effectively "prevent the spread" of COVID-19. Thus, *Jacobson* does not apply, and so we vacate the district court's order of dismissal and remand."

Texas. May 01, 2023 | Press Release | Consumer Protection/Scams

[Paxton Launches Investigation into Gain-of-Function Research and Misrepresentations by Covid-19 Vaccine Manufacturers](#)

"Attorney General Paxton launched an investigation into the pharmaceutical companies Pfizer, Moderna, and Johnson & Johnson concerning whether they engaged in gain-of-function research and misled the public about doing so.

"Paxton is also investigating whether the companies

misrepresented the efficacy of their Covid-19 vaccines and the likelihood of transmitting Covid-19 after taking the vaccines in violation of the Texas Deceptive Trade Practices Act. The investigation will also look into the potential manipulation of vaccine trial data.

“This investigation concerns potentially fraudulent activity that falls outside the scope of legal immunity granted to manufacturers of the Covid-19 vaccine. It will also review the companies’ controversial practice of reporting the metric of “relative risk reduction” instead of “absolute risk reduction” when publicly discussing the efficacy of their vaccines.

“In recent years, certain pharmaceutical companies have had record-breaking financial success, driven in part by sales made from products related to the Covid-19 pandemic. This vested interest in the success of these Covid-19 products, combined with reports about the alarming side effects of vaccines, demands aggressive investigation.”

November 30, 2023 | Press Release

[Attorney General Ken Paxton Sues Pfizer for Misrepresenting COVID-19 Vaccine Efficacy and Conspiring to Censor Public Discourse](#)

“Texas Attorney General Ken Paxton has sued Pfizer, Inc., for unlawfully misrepresenting the effectiveness of the company’s COVID-19 vaccine and attempting to censor public discussion of the product.

“Pfizer engaged in false, deceptive, and misleading acts and practices by making unsupported claims regarding the company’s COVID-19 vaccine in violation of the Texas Deceptive Trade Practices Act.

“The pharmaceutical company’s widespread representation that its vaccine possessed 95% efficacy against infection was highly misleading. That metric represented a calculation of

the so-called “relative risk reduction” for vaccinated individuals in Pfizer’s initial, two-month clinical trial results. FDA publications indicate “relative risk reduction” is a misleading statistic that “unduly influence[s]” consumer choice.

“Pfizer was also put on notice at that time that vaccine protection could not accurately be predicted beyond two months. Nevertheless, Pfizer fostered a misleading impression that vaccine protection was durable and withheld from the public information that undermined its claims about the duration of protection. And, despite the fact that its clinical trial failed to measure whether the vaccine protects against transmission, Pfizer embarked on a campaign to intimidate the public into getting the vaccine as a necessary measure to protect their loved ones.

“In fact, Pfizer’s product failed to live up to the company’s representations. COVID-19 cases increased after widespread vaccine administration, and some areas saw a greater percentage of deaths from COVID-19 among the vaccinated population than the unvaccinated. When the failure of its product became apparent, Pfizer then pivoted to silencing truth-tellers. The lawsuit notes: “How did Pfizer respond when it became apparent that its vaccine was failing and the viability of its cash cow was threatened? By intimidating those spreading the truth, and by conspiring to censor its critics. Pfizer labeled as ‘criminals’ those who spread facts about the vaccine. It accused them of spreading ‘misinformation.’ And it coerced social media platforms to silence prominent truth-tellers.”

“We are pursuing justice for the people of Texas, many of whom were coerced by tyrannical vaccine mandates to take a defective product sold by lies,” said Attorney General Paxton. “The facts are clear. Pfizer did not tell the truth about their COVID-19 vaccines. Whereas the Biden Administration weaponized the pandemic to force illegal public health decrees

on the public and enrich pharmaceutical companies, I will use every tool I have to protect our citizens who were misled and harmed by Pfizer's actions."

"The lawsuit follows Attorney General Paxton's [investigation](#) into Pfizer and other vaccine manufacturers announced earlier this year. To read the petition, [click here](#)."

Of course, we knew all this years ago, but finally grilling by Sen. Rand Paul exposed Dr. Death Anthony Fauci's lies about gain-of-function research and many of his other lies.

Tragically, our slick over-rated professional politician governor, Greg Abbott – despite my letters and probably others – beginning in January 2021, practically begging Abbott: Do NOT allow those non-vaccines to be distributed and given to unsuspecting Texans. To this day Abbott has kept his political mouth shut on the issue instead of condemning this crime against humanity. Schools throughout this country still have those bioweapon injections on their vaccination list.

As to the status of Paxton's office investigating Pfizer, Moderna and J & J, *I'll know more hopefully in the not-too-distant future*. I've already filed a State Record Information Act with Ag Commissioner Sid Miller's office on a different matter and received a non-responsive reply in record time. Uh, we don't have anything you requested. Really? Well, I'm not done with them either because I know there was a risk-assessment investigation.

Let's go back to the word therapeutic as used in the headline at the top of this column. Therapeutic is defined as "of or relating to the treating or curing of disease; curative. Those COVID injections passed off as vaccines didn't promise to "cure" any disease.

[FACTS: Experimental COVID Injections and SADS](#), Sept. 19, 2022
(Mine)

“Pfizer BioNTech filed with the Securities and Exchange Commission, Dec. 31, 2019. [See document here](#), pg 14 – 15:

“To our knowledge, there is no current precedent for an mRNA-based immunotherapy such as the type we are developing being approved for sale by the FDA, European Commission or any other regulatory agency elsewhere in the world. Although we expect to submit BLAs for our mRNA-based product candidates in the United States, and in the European Union, mRNA therapies have been classified as gene therapy medicinal products, other jurisdictions may consider our mRNA-based product candidates to be new drugs, not biologics or gene therapy medicinal products, and require different marketing applications.

“Any product candidates we develop may not be effective, may be only moderately effective, or may prove to have undesirable or unintended side effects, toxicities or other characteristics that may preclude our obtaining marketing approval or prevent or limit commercial use.”

Pg 16: “Currently, mRNA is considered a gene therapy product by the FDA...Our product candidates may not work as intended, may cause undesirable side effects or may have other properties that could delay or prevent their regulatory approval, limit the commercial profile of an approved label, or result in significant negative consequences following marketing approval, if any.”

“Vaccines normally take 10-15 years before getting approval for mass distribution. The first injections were rolled out in hospitals on Dec. 14, 2020. That SEC filing was last day of 2019 before production began. Clinical trials are scheduled through 2023, so yes, humans on this planet are being used as test subjects.

“[How about Moderna and their SEC filing](#), June 30, 2020?
“Regulatory requirements governing gene and cell therapy products have evolved and may continue to change in the

future, and the implications for mRNA-based therapies are unknown...Currently, mRNA is considered a gene therapy product by the FDA.”

Now, Pfizer and Moderna clearly state on their SEC filing the Federal Death Administration (FDA) considers mRNA gene therapy. Gene therapy is NOT a vaccine: “The application of genetic engineering to the transplantation of genes into human cells in order to cure a disease caused by a genetic defect, as a missing enzyme.”

[FDA](#): “Human gene therapy seeks to modify or manipulate the expression of a gene or to alter the biological properties of living cells for therapeutic use [1](#). Gene therapy is a technique that modifies a person’s genes to treat or cure disease.” Like cancer. So why in the hell would they use it in a “virus” vaccine?

In case you missed it – and there’s a ton of documents [on the front page of my web site](#) – [this authentic document](#) tells the truth about those mRNA experimental injections. DARPA stands for Defense Advanced Research Projects Agency (which does a lot of what’s called ‘black projects’ which you and I are never told about even though we pay billions for their “research”).

Quoting from Maj. Joseph Murphy whom I have recommended to AG Paxton be put under oath in front of a grand jury:

“Decisions with regards to the vaccines do not appear to be informed by analysis of the documents. The main points being that SARS-CoV-2 matches the SARS vaccine variants the NIH EcoHealth program was making in Wuhan; that the DOD rejected the program proposal because vaccine would be ineffective and because the spike proteins being inserted into the variants were deemed too dangerous (gain-of-function); and that the DoD now mandates vaccines that copy the spike protein previously deemed too dangerous. To me, and to those who informed my

analysis this situation meets no-go or abort criteria with regards to the vaccines until the toxicity of the spike protein can be information.”

DoD went ahead and became distributor of those deadly bio weapons. Our military were forced to either take the injections or leave the service and lose all their benefits.

Witness: Dr. Flemming PhD is a physicist, MD, JD. Dr. Flemming is not a tin-foil conspiracy nut job or “anti-vaxxer”. That propaganda is now being soundly rejected as so many have suffered horrible side effects from those injections or become permanently disabled while the number of dead grows by the day.

Dr. Richard Flemming interview. **DAMNING.** Words right out of the mouths of Peter Daszak, Ralph Baric. SARS-CoV-2 was being worked on in 2006. These individuals must be indicted, tried, convicted and either sent to Supermax in Colorado where they’re locked down 23 hours a day or the death penalty. This is intentional homicide; some say premeditated murder. Also front and center: Dr. Death Anthony Fauci.

[Video: Dr Richard Fleming US Testifies Under Oath Whether Covid-19 Vaccines Deliberate Bioweapons Attack on Humanity](#)

Next witness for a grand jury: “Prof. Francis Boyle is a professor of international law at the University of Illinois College of Law. He received an AB (1971) in Political Science from the University of Chicago, then a JD degree *magna cum laude* from Harvard Law School, and AM and PhD degrees in Political Science from Harvard University. He practiced tax and international tax with Bingham, Dana & Gould.

“Professor Boyle serves as counsel to Bosnia and Herzegovina and to the Provisional Government of the Palestinian Authority. He also represents two associations of citizens within Bosnia and was involved in developing the indictment against Slobodan Milosević for genocide, crimes against

humanity, and war crimes in Bosnia and Herzegovina....

“Professor Boyle served on the Board of Directors of Amnesty International, as a consultant to the American Friends Service Committee, and on the Advisory Board for the Council for Responsible Genetics. He drafted the U.S. domestic implementing legislation for the Biological Weapons Convention, known as the Biological Weapons Anti-Terrorism Act of 1989, that was approved unanimously by both Houses of the U.S. Congress and signed into law by President George H.W. Bush.” AM, PhD Harvard University, JD Harvard Law School, AB University of Chicago

[Video: Dr. Francis Boyle, Bioweapons Expert – FULL INTERVIEW](#), Feb. 7, 2020

[Law Professor Dr. Francis Boyle, Who Drafted the 1989 Biological Weapons and Antiterrorism Act, Claims COVID-19 mRNA Injections are Weapons of Mass Destruction in New Affidavit](#), June 9, 2024

“Dr. Francis Boyle, a Harvard-trained professor and the architect of the [1989 Biological Weapons Anti-Terrorism Act](#), which was unanimously approved by both Houses of the U.S. Congress and signed into law by President George H.W. Bush, has issued an affidavit declaring COVID-19 mRNA vaccines as biological weapons and weapons of mass destruction, Dr. Joseph Sansone first reported.

“Dr. Boyle’s affidavit, which was submitted as part of an [emergency petition for a writ of mandamus](#) in Florida, argues that the distribution of COVID-19 vaccines violates several statutes, including the U.S. Code on Biological Weapons and Florida’s statutes on weapons and firearms.

“This petition, aimed squarely at Governor Ron DeSantis and Attorney General Ashley Moody, calls for an immediate halt to the distribution of these injections in Florida and demands the confiscation of existing vaccine supplies.

“According to Dr. Joseph Sansone, the original Emergency Petition for a Writ of Mandamus was filed on March 3rd, 2024, in the Florida Supreme Court. It was later transferred to the Circuit Court in Leon County on March 20th, 2024. After the Circuit Court dismissed the case on April 9th, 2024, it moved to the appellate court. The Appellate Brief was filed on Memorial Day, May 27th, 2024.”

[National ARM's Grand Jury Petition 'Vaccine' Crime Evidence Being Sent to Oregon and South Dakota Governors and Attorney Generals](#)

[National ARM's Grand Jury Petition 'Vaccine' Crime Evidence Being Sent to Hawaii, Kentucky, and Massachusetts Governor and Attorneys General](#) (And a lot more.)

Thanks to the bought and paid for whores in Congress, vaccine manufacturers were given full immunity and legal protection against injury lawsuits decades ago. Pfizer, Moderna and all the others committed fraud by declaring those experimental injections were vaccines when in fact they knew (1) when they filed their SEC paper work they clearly stated the FDA considered their product gene therapy and (2) even though a perfectly credible researcher at DARPA warned about the danger of the spike protein (making the injection a bioweapon), those injections were shoved down the throats of millions of Americans who didn't want those experimental shots. Fraud does not protect immunity.

TENS OF MILLIONS of Texans took those injections and approximately 4 billion world-wide. The number of deaths, destruction (developing auto-immune diseases for which there is no cure, sudden deaths and permanent disabilities) are almost beyond anything people can imagine but that's for another column.

What's been and is being done to the people of this country (and around the world) as a result of lies and deception are

crimes against humanity. Those individuals responsible and we *know who they are*, must be held accountable and that means prison time or the death penalty, not some corporate fine.

The whole COVID plandemic game plan is being exposed and it's going to be up to you and I to demand grand juries (either by DA's or state AG's) to go after those responsible with indictments. Congress can hold a thousand subcommittee hearings but any criminal referrals to DOJ will not happen with corrupt, arrogant, illegitimate U.S. AG Merrick Garland. But, I firmly believe there would be criminal prosecutions if Trump is elected and our State AG Ken Paxton replaces Garland. While I'd hate to see Paxton leave, he's fearless, a bull dozer and he goes after both Republicans and Democrats.

For a thorough, comprehensive education on the Fed, the income tax, education, Medicare, SS, the critical, fraudulent ratification of the Seventeenth Amendment and more, be sure to order my book by calling 800-955-0116 or click the link, [Taking Politics Out of Solutions](#), 400 pages of facts and solutions. Order two books and save \$10.00

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E-Mail Devvy: devvyk@protonmail.com

Web site: devvy.com

Related:

I ran this photo and story a couple of years ago. Fauci's soul is DEAD and so are the monsters who do this to innocent dogs. *You and I paid for such savagery.* And we're still paying as Fauci's annual government pension is \$350,000 per year. FACT.

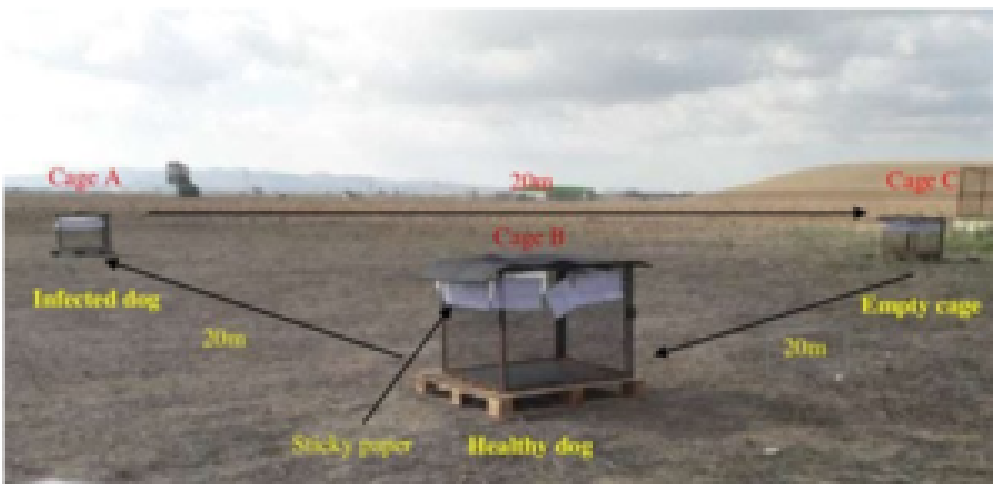
[EXCLUSIVE: Dr. Fauci Used Taxpayer Money to Have Dogs Tortured and Eaten Alive By Parasite Infected Flies in Tunisia \(PHOTOS\)](#)

"According to their paper, the scientists starved the sand flies in order to make sure they were hungry enough to attack

the dogs. “The sand flies were then allowed to feed on the sedated dogs....” the report explains.”



Sand flies feeding on their brains.



“The nightmare for dogs did not stop there. The experimenters locked beagles alone in cages in the middle of the desert, isolated, for nine consecutive nights, to use as bait to attract more infectious sand flies. There is also a photo of this horror. Fauci’s taxpayer funded animal experiments in Tunisia.”