

# Bombshell Video: 9th Circuit Court Rules COVID-19 mRNA Injections Are Not “Vaccines”.

By [Jim Hoft](#) and [Dr. William Makis](#)

Global Research, June 11, 2024

[COVID Intel](#)

Region: [USA](#)

Theme: [Law and Justice](#), [Science and Medicine](#)

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"This was intentional... It was premeditated murder." Dr. David Martin tells @EmeraldRobinson regarding the covid pandemic. But @DrDMartinWorld says the recent 9th Circuit decision in an LA vax mandate case is a game changer--especially for possible future criminal cases against Tony Fauci, Dr. Ralph Baric, & others.

The problem is there are 68 scheduled pathogens that are currently developed and ready for various stages of release on the population.



9:56 AM · Jun 11, 2024 · 12.9K Views

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**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

HEALTH FREEDOM DEFENSE  
FUND, INC., a Wyoming Not-for-  
Profit Corporation; JEFFREY  
FUENTES; SANDRA GARCIA;  
HOVHANNES SAPONGHIAN;  
NORMA BRAMBILA;  
CALIFORNIA EDUCATORS FOR  
MEDICAL FREEDOM,  
*Plaintiffs-Appellants,*

v.

ALBERTO CARVALHO, in his  
official capacity as Superintendent of  
the Los Angeles United School  
District; ILEANA DAVALOS, in her  
official capacity as Chief Human  
Resources Officer for the Los Angeles  
School District; GEORGE  
MCKENNA; MONICA GARCIA;  
SCOTT SCHMERELSON; NICK  
MELVOIN; JACKIE GOLDBERG;  
KELLY GONEZ; TANYA ORTIZ  
FRANKLIN, in their official  
capacities as members of the Los  
Angeles Unified School District  
governing board,  
*Defendants-Appellees.*

No.22-55908

D.C. No.  
2:21-cv-08688-  
DSF-PVC

OPINION





is like a medical treatment, not a “traditional” vaccine. This interpretation distinguishes *Jacobson*, thus presenting a different government interest.

Putting that aside, the district court held that, even if it is true that the vaccine does not “prevent the spread,” *Jacobson* still dictates that the vaccine mandate challenged here is subject to, and survives, the rational basis test. The district court reasoned that “*Jacobson* does not require that a vaccine have the specific purpose of preventing disease.” *Reilly*, 2022 WL 5442479, at \*5 (emphasis in original). It acknowledged Plaintiffs’ allegations that the vaccine did not “prevent transmission or contraction of COVID-19.” *Id.* at \*6. But it declared that “these features of the vaccine further the purpose of protecting LAUSD students and employees from COVID-19,” and thus “the Policy survives rational basis review.” *Id.*

This misapplies *Jacobson*. *Jacobson* held that mandatory vaccinations were rationally related to “preventing the spread” of smallpox. 197 U.S. at 30; see also *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 23 (2020) (Gorsuch, J., concurring) (“Although *Jacobson* pre-dated the modern tiers of scrutiny, this Court essentially applied rational basis review to Henning Jacobson’s challenge . . .”). *Jacobson*, however, did not involve a claim in which the compelled vaccine was “designed to reduce symptoms in the infected vaccine recipient rather than to prevent transmission and infection.” *Reilly*, 2022 WL 5442479, at \*5. The district court thus erred in holding that *Jacobson* extends beyond its public health rationale—government’s power to mandate prophylactic measures aimed at preventing the recipient from spreading disease to others—to also govern “forced medical treatment” for the recipient’s benefit. *Id.* at \*5.

[Read the Court decision here.](#)

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Below is an excerpt from The Gateway Pundit article.

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

By [Jim Hoft](#), June 8, 2024

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.

The case revolved around the LAUSD's COVID-19 vaccination policy, which required all employees to be fully vaccinated against COVID-19 by a specified deadline.

The case, brought by the Health Freedom Defense Fund and several individuals, argues that the LAUSD's vaccination mandate interferes with their fundamental right to refuse medical treatment. The plaintiffs assert that the mRNA COVID-19 vaccines merely mitigate symptoms rather than prevent infection or transmission, which they claim does not align with the traditional definition of a vaccine.

In its decision, the 9th Circuit highlighted that the district court had misapplied the precedent set by *Jacobson v. Massachusetts*, which upheld mandatory smallpox vaccinations due to their effectiveness in preventing disease spread. The court noted that the plaintiffs' claims, taken as true at this stage, suggest that the COVID-19 vaccines do not effectively "prevent the spread" of COVID-19, thereby warranting further consideration of their allegations.

[The Gateway Pundit](#) previously reported that the Centers for Disease Control and Prevention (CDC) had modified the definition of "vaccine" to include the mRNA shots.

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.

[Click here to read the full article on TGP.](#)

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