

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 30, 2024

Lyle W. Cayce
Clerk

No. 24-50031
Summary Calendar

JULIE A. SU, *Acting Secretary*, U.S. DEPARTMENT OF LABOR,

Plaintiff—Appellee,

versus

CACTUS CANYON QUARRIES, INCORPORATED; JACK ANDY
CARSON,

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-1147

Before JONES, SMITH, and DENNIS, *Circuit Judges*.

PER CURIAM:*

Plaintiff-Appellee Julie A. Su, Acting Secretary of the U.S. Department of Labor (the “Secretary”) sued Defendants-Appellants Cactus Canyon Quarries, Inc. and its president and controller Jack Andy Carson (collectively, “Cactus Canyon”), seeking to enjoin Cactus Canyon from

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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interfering with statutorily mandated inspections. The Secretary moved for a preliminary injunction, which the district court granted. Cactus Canyon appealed from the preliminary injunction entry. On January 1, 2024, while this appeal was pending, the preliminary injunction expired and was not extended by the district court. The parties agree this appeal is moot on that basis, and no party argues that an exception to mootness applies. *See Yates v. Collier*, 677 F. App'x 915, 917 (5th Cir. 2017). Furthermore, Cactus Canyon has not carried its burden of demonstrating an “equitable entitlement to the extraordinary remedy of vacatur.” *See Staley v. Harris Cnty.*, 485 F.3d 305, 310, 314 (5th Cir. 2007) (quoting *U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18, 26 (1994)).

Accordingly, we DISMISS the appeal for want of jurisdiction.