

PRESS RELEASE

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First U.S. Lawsuit Against Mandating COVID-19 Vaccination Filed Against Doña Ana County Manager in Las Cruces, New Mexico

LAS CRUCES, NM – On February 28, 2021 New Mexico Stands Up! Attorneys Ana Garner and Jon Deiner filed a complaint in U.S. District Court against Doña Ana County Manager Fernando Macias on behalf of plaintiff Isaac Legaretta and other Doña Ana County staff and first responders. Macias had issued a Memorandum on January 29, 2021 notifying county first responders and Detention Center staff that COVID-19 vaccination would be required as a condition of employment. Prior to that, 2/3 of these public servants opted out of receiving the COVID-19 experimental vaccine. Garner and Deiner also filed a Temporary Restraining Order against Macias, to prohibit the County Manager both from terminating employees for not accepting the vaccine and from taking further action to enforce the mandated vaccination.

Isaac Legaretta is an employee at the Doña Ana County Detention Center. By February 18, 2021 he received a notice that he must get vaccinated within 5 days and a “coaching and counseling” write up for not previously complying with the vaccine mandate. Legaretta is now in imminent danger of losing his job.

Other Doña Ana County employees who have been threatened with job loss for not receiving the vaccine include law enforcement officers, firefighters and paramedics. Even a pregnant employee has been notified that she risks job termination if she does not receive the vaccination, despite the Centers for Disease Control’s (CDC’s) acknowledgement that experimental COVID-19 vaccines have not been tested on pregnant women. Dozens of spontaneous miscarriages have been reported in the CDC’s [Vaccine Adverse Events Reporting System](#) (VAERS) after pregnant women received the COVID-19 vaccination.

Experimental COVID-19 vaccines are approved for Emergency Use only and have not been granted full Food and Drug Administration (FDA) approval. According to [FDA 21 U.S. Code § 360bbb-3](#) “*Authorization for medical products for use in emergencies*,” medical products (including vaccines) which have Emergency Use Authorization (EUA) must be voluntary, and their use requires “the option to accept or refuse administration of the product.” As such, it is illegal for any public or private entity to mandate the experimental COVID-19 vaccines.

Attorney Ana Garner commented:

“You can’t be forced to be a human guinea pig, without providing informed consent, when a product is experimental. This is not only immoral, it is clearly against Federal law. We have the right to bodily integrity, and the rule of law is still in place in New Mexico. We are not going to let this go.”

The COVID-19 vaccinations utilize mRNA technology which has never before been approved for use in vaccines. The CDC has [stated](#) that experimental COVID-19 vaccines have not been thoroughly tested for people who are pregnant, have allergies or autoimmune conditions, or are immunocompromised. No safety studies longer than a few months have been carried out for the general population. As of February 18, 2021, over 19,000 adverse reactions to COVID-19 vaccines have been reported to the VAERS registry including miscarriage, anaphylactic shock, loss of speech and mobility, Bell’s Palsy, Guillain-Barré Syndrome, and over a thousand deaths.

The legal action against the Doña Ana County vaccine mandate is being funded through donations from New Mexicans all over the state, who stand in solidarity for the rights of all people, including first responders, to choose whether or not to receive COVID-19 vaccination.