

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 13-1677

EDEN FOODS, INC. and MICHAEL POTTER,  
Chairman, President and Sole Shareholder of  
Eden Foods, Inc.,  
Plaintiffs - Appellants,

**FILED**  
**Oct 24, 2013**  
DEBORAH S. HUNT, Clerk

v.

KATHLEEN SEBELIUS, Secretary, United States  
Department of Health and Human Services;  
THOMAS E. PEREZ, Secretary, United States  
Department of Labor; JACK LEW, Secretary,  
United States Department of the Treasury,  
Defendants - Appellees.

Before: DAUGHTREY, COLE, and WHITE, Circuit Judges.

**JUDGMENT**

On Appeal from the United States District Court  
for the Eastern District of Michigan at Detroit.

THIS CAUSE was heard on the record from the district court and was submitted on the briefs without oral argument.

IN CONSIDERATION WHEREOF, it is ORDERED that the denial of Eden Foods's motion for a preliminary injunction is AFFIRMED, and the case is REMANDED to the district court with instructions to dismiss Potter's claims for lack of jurisdiction.

**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk