

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

STATE OF FLORIDA, by and
through Bill McCollum, et al.,

Plaintiffs,

v.

Case No.: 3:10-cv-91-RV/EMT

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
et al.,

Defendants.

ORDER

This litigation involves a challenge to the federal health care law. On April 23, 2010, I entered an order denying several motions to intervene in the case, including one filed by Gary P. Salamone, pro se. Purportedly in an effort to “spar[e] the court embarrassment,” Salamone has now filed a document entitled “Motion to Correct Obvious Error in Court Record” (doc. 69), in which he asks that I correct a “glaring error” in the record. Specifically, he maintains that although his objection to the health care law is based partly on the Commerce Clause, it is based primarily on the Equal Protection Clause and the principle that tax money must be used for a public purpose, “not for government health-benefits programs that serve only the private health needs of some.”¹ He suggests that my prior order did not accurately

¹ In his earlier motion to intervene, Salamone stated that he “has no problem with the states invoking the Commerce Clause” to challenge the health care law and, in fact, he “join[ed] the other parties” in advancing the argument. He went on to state, however, that the challenge should not be limited “to a single provision of the [Constitution],” and the remainder of his argument was that the health care law also violated Equal Protection and ran afoul of the tax principle indicated above.

describe the true nature of his challenge. He requests that this "error" be corrected in the record and, moreover, that I "issue a civil summons to both the lead plaintiff and lead defendant in this case ordering them to defend no later than September 6, 2010."

To be clear, in my prior order, I explained that "Salamone objects to the Act on the ground that it violates the Commerce Clause, inter alia." "Inter alia" means "among other things." His motion (doc. 69) is DENIED.

DONE and ORDERED this 10th day of August, 2010.

/s/ Roger Vinson
ROGER VINSON
Senior United States District Judge