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REBECCA A. WOMELDORF

REPORTER OF DECISIONS



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Syllabus

UNITED STATES *v.* TEXAS ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

No. 21–588 (21A85). Argued November 1, 2021—Decided December 10,
2021

Certiorari dismissed.

Solicitor General Prelogar argued the cause for the United States. With her on the briefs were *Acting Solicitor General Fletcher*, *Acting Assistant Attorney General Boynton*, *Deputy Solicitor General Kneedler*, *Deputy Assistant Attorney General Harrington*, *Erica L. Ross*, *Mark R. Freeman*, *Michael S. Raab*, and *Daniel Winik*.

Judd E. Stone II, Solicitor General of Texas, argued the cause for the state respondent. With him on the briefs were *Ken Paxton*, Attorney General of Texas, *Brent Webster*, First Assistant Attorney General, *Lanora C. Pettit*, Principal Deputy Solicitor General, *Beth Klusmann* and *Natalie D. Thompson*, Assistant Solicitors General, and *William T. Thompson*.

Jonathan F. Mitchell argued the cause for private respondents. With him on the briefs were *D. Bryan Hughes* and *Heather Gebelin Hacker*.*

*Briefs of *amici curiae* urging affirmance were filed for the American Center for Law and Justice by *Jay Alan Sekulow*, *Stuart J. Roth*, *Colby M. May*, *Jordan A. Sekulow*, *Laura B. Hernandez*, *Andrew J. Ekonomou*, *Cecilia Noland-Heil*, and *Walter M. Weber*; for the Becket Fund for Religious Liberty by *Mark L. Rienzi*; for the Life Legal Defense Foundation by *Catherine W. Short*; and for 410 Texas Women Injured by Abortion et al. by *Allan E. Parker*, *R. Clayton Trotter*, and *Mary J. Browning*. A brief of *amici curiae* urging vacatur was filed for Leading Medical Organizations by *Shannon Rose Selden*, *Anna A. Moody*, and *Shiri A. Hickman*.

Briefs of *amici curiae* were filed for the State of Indiana et al. by *Theodore E. Rokita*, Attorney General of Indiana, *Thomas M. Fisher*, Solicitor General, *Kian J. Hudson*, Deputy Solicitor General, and *Julia C. Payne*

Per Curiam

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted. The application to vacate stay presented to JUSTICE ALITO and by him referred to the Court is denied.

It is so ordered.

and *Melinda R. Holmes*, Deputy Attorneys General, and by the Attorneys General for their respective States as follows: *Steve Marshall* of Alabama, *Mark Brnovich* of Arizona, *Leslie Rutledge* of Arkansas, *Ashley Moody* of Florida, *Christopher M. Carr* of Georgia, *Lawrence G. Wasden* of Idaho, *Derek Schmidt* of Kansas, *Daniel Cameron* of Kentucky, *Jeff Landry* of Louisiana, *Lynn Fitch* of Mississippi, *Eric Schmitt* of Missouri, *Austin Knudsen* of Montana, *Doug Peterson* of Nebraska, *Dave Yost* of Ohio, *John M. O'Connor* of Oklahoma, *Alan Wilson* of South Carolina, *Jason R. Ravensborg* of South Dakota, *Sean D. Reyes* of Utah, and *Patrick Morrissey* of West Virginia; for the Commonwealth of Massachusetts et al. by *Maura Healey*, Attorney General of Massachusetts, *Elizabeth N. Dewar*, State Solicitor, and *Amanda Hainsworth*, Assistant Attorney General, by *Andrew J. Bruck*, Acting Attorney General of New Jersey, and by the Attorneys General for their respective jurisdictions as follows: *Rob Bonta* of California, *Philip J. Weiser* of Colorado, *William Tong* of Connecticut, *Kathleen Jennings* of Delaware, *Karl A. Racine* of the District of Columbia, *Clare E. Connors* of Hawaii, *Kwame Raoul* of Illinois, *Aaron M. Frey* of Maine, *Brian E. Frosh* of Maryland, *Dana Nessel* of Michigan, *Keith Ellison* of Minnesota, *Aaron D. Ford* of Nevada, *Hector Balderas* of New Mexico, *Letitia James* of New York, *Joshua H. Stein* of North Carolina, *Ellen F. Rosenblum* of Oregon, *Josh Shapiro* of Pennsylvania, *Peter F. Neronha* of Rhode Island, *Thomas J. Donovan, Jr.*, of Vermont, *Mark R. Herring* of Virginia, *Robert W. Ferguson* of Washington, and *Joshua L. Kaul* of Wisconsin; for the American Bar Association by *Reginald M. Turner*; for the Blanca Telephone Co. by *Timothy E. Welch*; for the Constitutional Accountability Center by *Elizabeth B. Wydra*, *Brianne J. Gorod*, and *David H. Gans*; for Legal Scholars Professor Blake Emerson et al. by *Alison B. Miller* and *Benjamin F. Heidlage*; for Legal Scholars Leah Litman et al. by *Sonya D. Winner*; for Local Governments by *Jonathan B. Miller*, *Meghan L. Riley*, *Esteban A. Aguilar, Jr.*, *Jessica M. Scheller*, *Kristin M. Bronson*, *Arturo G. Michel*, *Michael N. Feuer*, *Rodrigo A. Castro-Silva*, *Barbara J. Parker*, *Diana P. Cortes*, *Lyndsey M. Olson*, *Dennis J. Herrera*, *James R. Williams*, *Joseph Lawrence*, and *Peter S. Holmes*; for Planned Parenthood of Greater Texas Surgical Health Services et al. by *Alan E. Schoenfeld*, *Diana O. Salgado*, *Carrie Y. Flaxman*,

Per Curiam

JUSTICE SOTOMAYOR would grant the application to vacate stay in No. 21A85 and dissents from the dismissal of No. 21–588 as improvidently granted.

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and *Jennifer Sandman*; for the Texas Medical Association by *Donald P. Wilcox*, *Kelly M. Walla*, and *Laura J. Thetford*; for David Boyle by *Mr. Boyle, pro se*; and for 128 Current and Former Prosecutors et al. by *John P. Mastando III* and *David Weiss*.

REPORTER'S NOTE

The attached opinion has been revised to reflect the usual publication and citation style of the United States Reports. The revised pagination makes available the official United States Reports citation in advance of publication. The syllabus has been prepared by the Reporter of Decisions for the convenience of the reader and constitutes no part of the opinion of the Court. A list of counsel who argued or filed briefs in this case, and who were members of the bar of this Court at the time this case was argued, has been inserted following the syllabus. Other revisions may include adjustments to formatting, captions, citation form, and any errant punctuation. The following additional edits were made:

None
