

IN THE SUPREME COURT OF THE UNITED STATES

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No. 23-1275

EUNICE MEDINA, INTERIM DIRECTOR, SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, PETITIONER

v.

PLANNED PARENTHOOD SOUTH ATLANTIC, ET AL.

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting petitioner and requests that the United States be allowed ten minutes of argument time. Petitioner consents to this motion and has agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion is granted, the argument time would be divided as follows: 20 minutes for petitioner, 10 minutes for the United States, and 30 minutes for respondents.

This case concerns whether Medicaid beneficiaries can bring private enforcement actions under 42 U.S.C. 1983 to challenge a

State's administration of its Medicaid plan as inconsistent with 42 U.S.C. 1396a(a)(23)(A). Section 1396a(a)(23)(A), colloquially known as the "any-qualified-provider provision," is a provision of the federal Medicaid statute that requires state Medicaid plans to "provide" that "any individual eligible for medical assistance \* \* \* may obtain such assistance from any institution \* \* \* qualified to perform the service or services required." The United States has filed a brief as amicus curiae supporting petitioner, contending that Section 1396a(a)(23)(A) does not unambiguously create individual rights and thus is not privately enforceable under 42 U.S.C. 1983.

The United States has a substantial interest in the manner in which Section 1396a(a)(23)(A) is enforced. Significant federal funding supports the Medicaid program. Moreover, the Medicaid statute directs the Secretary of Health and Human Services to review and approve state Medicaid plans if they comply with federal requirements, including Section 1396a(a)(23), and to withhold federal funding if States fail to comply substantially with those requirements. See 42 U.S.C. 1396-1, 1396a(b), 1396c.

The United States has previously presented oral argument as amicus curiae in cases concerning the private enforceability under Section 1983 of provisions of the Medicaid statute and other Spending Clause legislation. See, e.g., Health & Hosp. Corp. of Marion County v. Talevski, 599 U.S. 166 (2023); Gonzaga University

v. Doe, 536 U.S. 273 (2002); Blessing v. Freestone, 520 U.S. 329 (1997); Suter v. Artist M., 503 U.S. 347 (1992). We therefore believe that participation by the United States in oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

SARAH M. HARRIS  
Acting Solicitor General  
Counsel of Record

MARCH 2025