

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 14-50928

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WHOLE WOMAN'S HEALTH; AUSTIN WOMEN'S HEALTH CENTER;  
KILLEEN WOMEN'S HEALTH CENTER; NOVA HEALTH SYSTEMS,  
doing business as Reproductive Services; SHERWOOD C. LYNN, JR., M.D.,  
on behalf of themselves and their patients; PAMELA J. RICHTER, D.O., on  
behalf of themselves and their patients; LENDOL L. DAVIS, M.D., on behalf  
of themselves and their patients,

Plaintiffs - Appellees - Cross-Appellants

v.

KIRK COLE, M.D., Commissioner of the Texas Department of State Health  
Services, in his Official Capacity; MARI ROBINSON, Executive Director of  
the Texas Medical Board, in her Official Capacity,

Defendants - Appellants - Cross-Appellees

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Appeals from the United States District Court for the  
Western District of Texas, Austin

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Before PRADO, ELROD, and HAYNES, Circuit Judges.

O R D E R:

On June 9, 2015, we issued an opinion in *Whole Woman's Health v. Cole*,  
No. 14-50928, 2015 U.S. App. LEXIS 9699 (5th Cir. Jun. 9, 2015). We now  
MODIFY our opinion and judgment of June 9, 2015 to provide that the district

court's injunction of the ASC requirement (as defined in the June 9 opinion) as applied to the McAllen facility shall remain in effect until October 29, 2015, at which time the injunction shall be vacated in part, as delineated and explained in our June 9 opinion.

The unopposed Motion to Become an Amicus Party and to File Amicus Brief, filed June 15, 2015, is GRANTED.

The opposed Appellees' Motion to Stay the Mandate, filed June 10, 2015, is DENIED. Judge Prado respectfully dissents from the denial of the motion to stay.

***United States Court of Appeals***  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

June 19, 2015

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 14-50928 Whole Woman's Health, et al v. David Lakey, et  
al  
USDC No. 1:14-CV-284

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Jamei R. Schaeffer*

By:

\_\_\_\_\_  
Jamei R. Schaeffer, Deputy Clerk

Mr. Steven H. Aden  
Ms. Esha Bhandari  
Mr. James Davis Blacklock  
Mr. David Patrick Brown  
Mr. Stephen Daniel Casey  
Ms. Jeannette Clack  
Ms. Natalie Lynn Decker  
Ms. Carrie Yvette Flaxman  
Mrs. Catherine Glenn Foster  
Mr. Betre Mussie Gizaw  
Ms. CeCe Heil  
Mr. Lawrence John Joseph  
Mr. Scott A. Keller  
Ms. Beth Ellen Klusmann  
Mr. Joseph Alexander Lawrence  
Mr. Jonathan F. Mitchell  
Mr. Michael P. Murphy  
Mr. Michael J. Norton  
Mr. Patrick J. O'Connell  
Mr. Andrew S. Oldham  
Mr. Allan Edward Parker Jr.  
Ms. Kimberly A. Parker  
Mr. Stuart J. Roth  
Mr. Jay A. Sekulow  
Mrs. Catherine Wynne Short  
Mrs. Mailee Rebecca Smith  
Ms. Jan Soifer

Mr. Gregory R. Terra  
Ms. Stephanie Toti  
Mr. Walter Martin Weber