Case: 20-50264 Document: 00515366143 Page: 1 Date Filed: 03/31/2020 Case 1:20-cv-00323-LY Document 46 Filed 03/31/20 Page 1 of 3

United States Court of Appeals

FIFTH CIRCUIT OFFICE OF THE CLERK

LYLE W. CAYCE CLERK TEL. 504-310-7700 600 S. MAESTRI PLACE, Suite 115 NEW ORLEANS, LA 70130

March 31, 2020

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 20-50264 Gregg Abbott, et al USDC No. 1:20-CV-323

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk Milinsa Mattingly

By: Melissa V. Mattingly, Deputy Clerk 504-310-7719

Ms. Jeannette Clack Mrs. Molly Rose Duane Mr. Kyle Douglas Hawkins Ms. Julie A. Murray Ms. Elizabeth Baker Murrill Mr. Patrick J. O'Connell Mr. Rupali Sharma Ms. Stephanie Toti

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 20-50264

In re: GREGG ABBOTT, in his official capacity as Governor of Texas; KEN PAXTON, in his official capacity as Attorney General of Texas; PHIL WILSON, in his official capacity as Acting Executive Commissioner of the Texas Health and Human Services Commission; STEPHEN BRINT CARLTON, in his official capacity as Executive Director of the Texas Medical Board; KATHERINE A. THOMAS, in her official capacity as the Executive Director of the Texas Board of Nursing,

Petitioners

Petition for a Writ of Mandamus to the United States District Court for the Western District of Texas

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the district court's order of March 30, 2020 (Dkt. No. 40) is TEMPORARILY STAYED until further order of this court to allow this court sufficient time to consider petitioners' emergency motion for stay and petition for writ of mandamus.

IT IS FURTHER ORDERED that plaintiffs-respondents be directed to file a response to the emergency motion for stay no later than Wednesday, April 1, 2020, at 8:00 a.m. Any reply by petitioners is due no later than Wednesday, April 1, 2020, at 8:00 p.m.

Case: 20-50264 Document: 00515366144 Page: 2 Date Filed: 03/31/2020 Case 1:20-cv-00323-LY Document 46 Filed 03/31/20 Page 3 of 3

IT IS FURTHER ORDERED that plaintiffs-respondents be directed to file a response to the petition for writ of mandamus no later than Thursday, April 2, 2020, at 8 p.m. Any reply by petitioners is due no later than Friday, April 3, 2020, at 5 p.m.

IT IS FURTHER ORDERED that the filing of an amicus brief by States, Alabama, Arkansas, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia, is allowed.

JAMES L. DENNIS, Circuit Judge, dissenting:

A federal judge has already concluded that irreparable harm would flow from allowing the Executive Order to prohibit abortions during this critical time. I would deny the stay. Moreover, I write separately to make clear that, per the Executive Order, "any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster" is exempt.