

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF CALIFORNIA, et al.,

Plaintiffs-Appellees,

v.

XAVIER BECERRA, Secretary of Health and
Human Services, et al.,

Defendants-Appellants.

No. 20-16802

UNOPPOSED MOTION TO HOLD APPEAL IN ABEYANCE

This appeal involves a regulation issued by the U.S. Department of Health and Human Services (HHS) that addressed the manner in which insurers bill for coverage of certain abortion services. *See* 84 Fed. Reg. 71,674 (Dec. 27, 2019). The district court vacated the regulation. Following the recent change in administration, the government moved to suspend appellate proceedings to allow new HHS agency officials sufficient time to become familiar with the issues in this case. The Court granted the government's motion in part, staying appellate proceedings until April 2, 2021, absent a motion for further relief. *See* Order, No. 20-16802 (Feb. 2, 2021). On April 6, 2021, the Court granted a second limited abeyance, staying proceedings until June 1, 2021, absent a motion for further relief. *See* Order, No. 20-16802 (April 6, 2021).

HHS is working diligently to review the issues presented in this case. The government therefore respectfully requests that the Court continue to hold this case in abeyance for the next 60 days. Plaintiffs have authorized us to state that this motion is unopposed.

Respectfully submitted,

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JUNE 2021

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 186 words.

/s/ Amanda L. Mundell
AMANDA L. MUNDELL

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2021, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Amanda L. Mundell
AMANDA L. MUNDELL