

***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

July 22, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 19-10011 State of Texas v. USA  
USDC No. 4:18-CV-167

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Whitney M. Jett, Deputy Clerk  
504-310-7772

Ms. Munera Al-Fuhaid  
Mr. Ryan Wolfe Allison  
Ms. Ginger Anders  
Mr. Peter J. Anthony  
Mr. A. Xavier Baker  
Mr. Benjamin Battles  
Mr. Matthew Joseph Berns  
Mr. Jack R. Bierig  
Mr. Nathanael Blake  
Mr. Kenneth Lee Blalack II  
Ms. Kathleen Boergers  
Mr. Wade Carr  
Mr. Z.W. Julius Chen  
Mr. Lawrence Crawford  
Mr. Stuart F. Delery  
Ms. Bridget DiBattista  
Mr. Nicholas M. DiCarlo  
Ms. Margaret Dotzel  
Mr. John Allen Eidsmoe  
Mr. Nimrod Elias  
Mr. August E. Flentje  
Mr. Benjamin Michael Flowers  
Mr. Brian Rene Frazelle  
Mr. Matthew Hamilton Frederick  
Ms. Elaine Goldenberg  
Ms. Brianne Jenna Gorod  
Ms. Maame Gyamfi  
Mr. David J. Hacker

Ms. Caitlin Joan Halligan  
Mrs. Fadwa A. Hammoud  
Mr. Brooks M. Hanner  
Mr. Kyle Douglas Hawkins  
Mr. Joshua L. Hedrick  
Mr. Matthew S. Hellman  
Mr. Robert E. Henneke  
Ms. Hyland Hunt  
Mr. Scott H. Ikeda  
Mr. Paige Jennings  
Ms. Michelle Shane Kallen  
Mr. John T. Kitchens  
Mr. Jeremy Kreisberg  
Ms. Maria Rose Lenz  
Mr. Douglas Neal Letter  
Mr. Sean Michael Marotta  
Ms. Catherine M. Masters  
Mr. Steven Travis Mayo  
Mr. Darren McCarty  
Mr. Matthew Robert McGuire  
Mr. Raffi Melkonian  
Mr. Jonathan Meltzer  
Ms. Rachel Miller-Ziegler  
Ms. Karen S. Mitchell  
Mr. Robert Tadao Nakatsuji  
Mr. Eric Olson  
Mr. William Jeffrey Olson  
Ms. Neli N. Palma  
Mr. Joseph R. Palmore  
Ms. Beth Bivans Petronio  
Ms. Lanora Christine Pettit  
Mr. Ashwin Pradyumna Phatak  
Mr. Joseph Rubin  
Mr. Richard Salgado  
Ms. Jaime Santos  
Mr. Andrew Layton Schlafly  
Mr. William B. Schultz  
Mr. Jay A. Sekulow  
Mr. Pratik A. Shah  
Ms. Kristin Ann Shapiro  
Mr. Samuel Siegel  
Ms. Benna Ruth Solomon  
Ms. Marie Soueid  
Mr. Jeffrey T. Sprung  
Mrs. Heidi Parry Stern  
Mr. Todd Barry Tatelman  
Mr. Martin Vincent Totaro  
Ms. Jessica Elaine Underwood  
Ms. Lorraine Alofa Van Kirk  
Ms. Caroline Van Zile  
Mr. Donald B. Verrilli Jr.  
Ms. Jessica Willey  
Mr. Daniel W. Wolff  
Ms. Elizabeth Wydra  
Mr. David Meir Zions

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

July 22, 2021

Lyle W. Cayce  
Clerk

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No. 19-10011

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STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA;  
STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA;  
STATE OF KANSAS; STATE OF LOUISIANA; STATE OF  
MISSISSIPPI, *by and through Governor Phil Bryant*; STATE OF  
MISSOURI; STATE OF NEBRASKA; STATE OF NORTH DAKOTA;  
STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE  
OF TENNESSEE; STATE OF UTAH; STATE OF WEST VIRGINIA;  
STATE OF ARKANSAS; NEILL HURLEY; JOHN NANTZ,

*Plaintiffs—Appellees,*

*versus*

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES; ALEX AZAR, II, *Secretary, U.S.*  
*Department of Health and Human Services*; UNITED STATES  
DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, *in*  
*his Official Capacity as Commissioner of Internal Revenue,*

*Defendants—Appellants,*

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF  
COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF  
ILLINOIS; ANDY BESHEAR, *Governor, State of Kentucky*; STATE OF  
MASSACHUSETTS; STATE OF NEW JERSEY; STATE OF NEW  
YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE  
OF RHODE ISLAND; STATE OF VERMONT; STATE OF VIRGINIA;  
STATE OF WASHINGTON; STATE OF MINNESOTA,

*Intervenor Defendants—Appellants.*

No. 19-10011

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:18-CV-167

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ON REMAND FROM  
THE SUPREME COURT OF THE UNITED STATES

Before KING, ELROD, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:

In an opinion issued on June 17, 2021, the Supreme Court of the United States vacated this court's judgment and remanded the case to us with instructions to dismiss. *California v. Texas*, 141 S. Ct. 2104, 2120 (2021). In accordance with that decision, we now VACATE the judgment of the district court in its entirety and REMAND the case to the district court with instructions to dismiss the case. The Clerk is directed to issue the mandate forthwith.