

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS; TEXAS HEALTH AND
HUMAN SERVICES COMMISSION,

Plaintiffs,

v.

Case No. 2:21-cv-00229-Z

XAVIER BECERRA, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE UNITED
STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *ET AL.*,

Defendants.

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PLAINTIFFS' MOTION FOR DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs, the State of Texas and the Texas Health and Human Services Commission, move this Court for an order dismissing the claims in the above matter without prejudice in light of the Supreme Court's ruling in *Biden v. Missouri*, --- S. Ct. ---, Nos. 21A240 and 21A241, 2022 WL 120950 (U.S. Jan. 13, 2022), with each party bearing its own fees and costs related to this litigation.

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CERTIFICATE OF SERVICE

I certify that the foregoing document was filed and served electronically (via CM/ECF) on all parties of record on January 18, 2022.

/s/ Cynthia A. Morales
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Case No. 2:21-cv-00229-Z

[PROPOSED] ORDER ON PLAINTIFFS’ MOTION FOR DISMISSAL

Before this Court is the Plaintiffs’ Motion for Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2).

The Plaintiffs move this Court to dismiss the claims in this matter without prejudice in light of the Supreme Court’s ruling in *Biden v. Missouri*, --- S. Ct. ---, Nos. 21A240 and 21A241, 2022 WL 120950 (U.S. Jan. 13, 2022), with each party bearing its own fees and costs related to this litigation.

The Court finds that such motion is well taken. It is therefore ORDERED that:

1. All claims brought by Plaintiffs, the State of Texas and the Texas Health and Human Services Commission, against Defendants, Xavier Becerra, in his official capacity as Secretary of the United States Department of Health and Human Services; the United States Department of Health and Human Services; Chiquita Brooks-LaSure in her official

capacity as Administrator of the Centers for Medicare and Medicaid Services; Meena Seshamani, in her official capacity as Deputy Administrator of the Center for Medicare; Daniel Tsai, in his official capacity as Deputy Administrator and Director of Medicaid and CHIP Services; the Centers for Medicare and Medicaid Services; and Joseph R. Biden, in his official capacity as President of the United States of America, are dismissed without prejudice.

2. The parties shall bear their own fees and costs related to this litigation.

SO ORDERED

SIGNED on this the ____ day of _____, 2022.

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE