

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

STATE OF TEXAS; TEXAS HEALTH
AND HUMAN SERVICES
COMMISSION,

Plaintiffs,

v.

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

Defendants.

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

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR A
STAY OF THE INJUNCTION PENDING APPEAL**

Defendants ("CMS") have moved to stay this Court's December 15, 2021 Memorandum Opinion and Order (ECF No. 53) ("Order") granting Plaintiffs' motion for a preliminary injunction, pending their interlocutory appeal to the Fifth Circuit. (ECF No. 60). In light of *Biden v. Missouri*, --- S. Ct. ---, Nos. 21A240 and 21A241, 2022 WL 120950 (U.S. Jan. 13, 2022), Plaintiffs have filed a Motion for Dismissal of the claims in this case. (ECF No. 63). Accordingly, Defendants' Motion for a Stay of the Injunction Pending Appeal should be dismissed as moot.

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Certificate of Service

I hereby certify that the foregoing document and all attachments were filed via CM/ECF, causing electronic service on all counsel of record on this 18th day of January, 2022.

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