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Selected docket entries for case 17-50282

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Filed	Document Description	Page	Docket Text
03/14/2019			MOTION by Not Parties Ted Cruz and John Cornyn to file amicus brief [9007027-2]. [17-50282] (RAJ)
	 Motion Filed on Behalf of Party	2	
	 Unfiled Amicus Brief DOCUMENT COULD NOT BE RETRIEVED!		

No. 17-50282

In the United States Court of Appeals for the Fifth Circuit

PLANNED PARENTHOOD OF GREATER TEXAS FAMILY PLANNING AND PREVENTATIVE HEALTH SERVICES, INC.; PLANNED PARENTHOOD SAN ANTONIO; PLANNED PARENTHOOD CAMERON COUNTY; PLANNED PARENTHOOD SOUTH TEXAS SURGICAL CENTER; PLANNED PARENTHOOD GULF COAST, INC.; JANE DOE #1; JANE DOE #2; JANE DOE #4; JANE DOE #7; JANE DOE #9; JANE DOE #10; AND JANE DOE #11,

Plaintiffs-Appellees,

v.

DR. COURTNEY PHILLIPS, IN HER OFFICIAL CAPACITY AS EXECUTIVE COMMISSIONER OF HHSC; AND SYLVIA HERNANDEZ KAUFFMAN, IN HER OFFICIAL CAPACITY AS ACTING INSPECTOR GENERAL OF HHSC,

Defendants-Appellants.

On Appeal from the United States District Court
for the Western District of Texas, Austin Division
Case No. 1:15-cv-01058-SS

**MOTION FOR LEAVE TO FILE BRIEF AMICI CURIAE OF
SENATOR TED CRUZ AND SENATOR JOHN CORNYN IN
SUPPORT OF DEFENDANTS-APPELLANTS**

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Senators Ted Cruz and John Cornyn respectfully seek leave to file an amici curiae brief supporting the defendants-appellants on rehearing en banc. All parties have consented to the filing of this brief.

The amici curiae are United States Senators who represent the State of Texas, and they have an interest in ensuring that the federal Medicaid Act is interpreted properly and that their State is not subjected to requirements that are not spelled out clearly and unambiguously in the statute. *See Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981).

The amici brief will ask this Court to overrule *Planned Parenthood of Gulf Coast, Inc. v. Gee*, 862 F.3d 445 (5th Cir. 2017), not only because 42 U.S.C. § 1396a(a)(23)(A) is not privately enforceable, but also because section (23)(A) would permit State Medicaid programs to exclude Planned Parenthood even if section (23)(A) were privately enforceable. The amici urge the Court to issue alternative holdings because this case is likely to be reviewed by the Supreme Court, and it is possible that the Supreme Court will agree with *Gee*'s holding on the private-right-of-action issue.

CONCLUSION

The motion for leave to file the amici curiae brief should be granted.

Respectfully submitted.

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Dated: March 15, 2019

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CERTIFICATE OF SERVICE

I certify that this document has been filed with the clerk of the court and served by ECF or e-mail on March 15, 2019, upon:

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