

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

February 04, 2019

TO COUNSEL LISTED BELOW:

No. 17-50282 - Planned Parenthood of Greater Texas v.
Charles Smith, Etc., Et Al.
USDC No. 1:15-CV-1058

Dear Counsel,

Enclosed is the court's order filed this date directing this case be reheard en banc with oral argument.

Under Fifth Circuit Local Rule 41.3 this order vacates the previous opinion and judgment of this court and stays the mandate.

Appellants will have until March 7, 2019, to file an en banc brief, with a blue cover, with appellees' en banc brief, with a red cover, due in this office not later than April 8, 2019. You will be requested to furnish twenty (22) copies of your en banc brief after the electronic filing is reviewed and processed. The case will be heard during the week of May 13, 2019. Counsel for the parties will receive adequate notice as to the exact date and time for the presentation of the oral argument.

Please forward twenty (22) copies of your merits briefs and record excerpts previously filed, for the use of the en banc court. As you did previously, we request that all copies be spirally bound. **These additional copies are due in the Clerk's Office by not later than Thursday, February 14, 2019.**

Sincerely,

LYLE W. CAYCE, Clerk



By: _____

Geralyn A. Maher
Calendar Clerk
504-310-7630

Mr. Kyle Douglas Hawkins
Ms. Heather Gebelin Hacker
Ms. Jennifer Sandman

cc: Hon. Sam Sparks
Mr. Adam Gustafson
Mr. Lawrence John Joseph
Ms. Hillary Schneller
Mr. Boris Bershteyn
Mr. Michael Cantrell
Mr. Jonathan F. Mitchell
Ms. Martha Jane Perkins

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-50282

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

Plaintiffs - Appellees

v.

CHARLES SMITH, in his official capacity as Executive Commissioner of
HHSC; SYLVIA HERNANDEZ KAUFFMAN, in her official capacity as
Acting Inspector General of HHSC,

Defendants - Appellants

Appeal from the United States District Court for the
Western District of Texas

(Opinion January 17, 2019, 5 Cir., 2019, ___ F.3d ___)

Before STEWART, Chief Judge, JONES, SMITH, DENNIS, OWEN,
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA,
WILLETT, HO, DUNCAN, and ENGELHARDT, Circuit Judges.¹

¹ Judge Oldham is recused and did not participate in this decision.

BY THE COURT:

A majority of the circuit judges in regular active service and not disqualified having voted in favor, on the Court's own motion, to rehear this case en banc,

IT IS ORDERED that this cause shall be reheard by the court en banc with oral argument on a date hereafter to be fixed. The Clerk will specify a briefing schedule for the filing of supplemental briefs.