

FILED

UNITED STATES COURT OF APPEALS

MAY 8 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STATE OF CALIFORNIA, by and
through Attorney General Xavier Becerra,

Plaintiff-Appellee,

v.

ALEX M. AZAR II, in his Official
Capacity as Secretary of the U.S.
Department of Health & Human Services;
U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES,

Defendants-Appellants.

No. 19-15974

D.C. No. 3:19-cv-01184-EMC
Northern District of California,
San Francisco

ORDER

ESSENTIAL ACCESS HEALTH, INC.;
MELISSA MARSHALL, M.D.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, Secretary of U.S.
Department of Health and Human
Services; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendants-Appellants.

No. 19-15979

D.C. No. 3:19-cv-01195-EMC
Northern District of California,
San Francisco

STATE OF OREGON; et al.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II; et al.,

Defendants-Appellants.

No. 19-35386

D.C. Nos. 6:19-cv-00317-MC
6:19-cv-00318-MC

District of Oregon,
Eugene

STATE OF WASHINGTON; et al.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, in his official capacity
as Secretary of the United States
Department of Health and Human
Services; et al.,

Defendants-Appellants.

No. 19-35394

D.C. Nos. 1:19-cv-03040-SAB
1:19-cv-03045-SAB

Eastern District of Washington,
Yakima

Before: THOMAS, Chief Judge, and LEAVY, WARDLAW, W. FLETCHER, PAEZ, BYBEE, CALLAHAN, M. SMITH, IKUTA, MILLER and LEE, Circuit Judges.

A majority of the panel has voted to deny the Petition of Plaintiffs-Appellees Essential Access Health, Inc. and Melissa Marshall, M.D. for Full Court or Limited En Banc Court Rehearing (Case No. 19-15974, ECF No. 139; Case No. 19-15979,

ECF No. 135); the Petition of the State of California et al. for En Banc or Full Court Rehearing (Case No. 19-15974, ECF No. 139; Case No. 19-15979, ECF No. 131; Case No. 19-35386, ECF No. 180); the Petition of Plaintiffs-Appellees National Family Planning & Reproductive Health Association et al. for Full Court or Limited En Banc Court Rehearing (Case No. 19-35394, ECF No. 139); the Petition of Plaintiffs-Appellees American Medical Association et al. for Full Court or Limited En Banc Court Rehearing (Case No. 19-35386, ECF No. 179) (collectively, the “Petitions”).

Judges Leavy, Bybee, Callahan, M. Smith, Ikuta, Miller, and Lee voted to deny the Petitions. Judge Paez voted to grant the Petitions.

The full court has been advised of the Petitions, and no Judge has requested a vote on whether to rehear the matter as a full court. Fed. R. App. P. 35.

The Petitions are DENIED.