

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

STATE OF TEXAS, et al.,

Plaintiffs-Appellees,

v.

XAVIER BECERRA, in his official capacity as
Secretary of Health and Human Services; et al.,

Defendants-Appellants.

No. 23-10564

**UNOPPOSED MOTION TO CONTINUE ABEYANCE FOR AN
ADDITIONAL 60 DAYS**

The government respectfully moves to continue the abeyance of proceedings in this case for an additional 60 days. This abeyance motion is unopposed.

1. On the government's unopposed motion, this Court held this appeal in abeyance pending its disposition of *Louisiana v. Becerra*, No. 22-30748 (5th Cir.), which involves a challenge to the same rule that is at issue here.

2. On October 23, 2024, this Court issued the mandate in No. 22-30748 and on October 24, this Court ended the abeyance of this case and set a briefing schedule.

3. The parties here are discussing the appropriate disposition of this case. We respectfully request that this Court vacate the briefing schedule and continue the abeyance in this case for an additional 60 days.

4. Plaintiffs' counsel has authorized us to state that this abeyance motion is unopposed.

Respectfully submitted,

/s/ Alisa B. Klein

ALISA B. KLEIN

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OCTOBER 2023

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27 because it contains 140 words. This motion complies with the typeface and the type-style requirements of Federal Rules of Appellate Procedure 27 and 32 because it has been prepared in a proportionally spaced typeface using Word 14-point Book Antiqua typeface.

/s/ Alisa B. Klein
ALISA B. KLEIN

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2023, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I further certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Alisa B. Klein
ALISA B. KLEIN