

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 30 2023

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

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff-Appellee,

v.

ALEX M. AZAR II, Secretary of U.S.
Department of Health and Human Services;
ROGER T. SEVERINO, Director, Office for
Civil Rights, Department of Health and
Human Services; U.S. DEPARTMENT OF
HEALTH & HUMAN SERVICES,

Defendants-Appellants.

No. 20-15398

D.C. No. 3:19-cv-02405-WHA
Northern District of California,
San Francisco

ORDER

STATE OF WASHINGTON,

Plaintiff-Appellee,

v.

ALEX M. AZAR II; U.S. DEPARTMENT
OF HEALTH & HUMAN SERVICES,

Defendants-Appellants.

No. 20-35044

D.C. No. 2:19-cv-00183-SAB

COUNTY OF SANTA CLARA; LOS
ANGELES LGBT CENTER; WHITMAN-
WALKER CLINIC, INC., DBA Whitman-
Walker Health; BRADBURY-SULLIVAN
LGBT COMMUNITY CENTER; CENTER
ON HALSTED; HARTFORD GYN

No. 20-15399

D.C. No. 3:19-cv-02916-WHA

CENTER; MAZZONI CENTER; MEDICAL STUDENTS FOR CHOICE; AGLP: THE ASSOCIATION OF LGBTQ+ PSYCHIATRISTS; AMERICAN ASSOCIATION OF PHYSICIANS FOR HUMAN RIGHTS, DBA GLMA: Health Professionals Advancing LGBTQ Equality; COLLEEN MCNICHOLAS; ROBERT BOLAN; WARD CARPENTER; SARAH HENN; RANDY PUMPHREY,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES; ALEX M. AZAR II, in his official capacity as Secretary of Health and Human Services,

Defendants-Appellants.

STATE OF CALIFORNIA,

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. 20-16045

D.C. No. 3:19-cv-02769-WHA

Before: BERZON, CHRISTEN, and BADE, Circuit Judges.
Order by Judges BERZON and CHRISTEN; Dissent by Judge BADE.

In its most recent status report, the government stated that it has submitted a final rule for review and approval to the Office of Information and Regulatory Affairs (OIRA) that may moot this case. Accordingly, the government's request that this case be held in abeyance for six months or until thirty days after the issuance of a final rule, whichever is sooner (Dkt. No. 141), is GRANTED. At the end of that period, the parties shall provide the Court with a report as to the status of the rulemaking process and may file motions to govern further proceedings.

Judge Bade dissents to this twelfth request to hold this case in abeyance for the reasons stated in her dissent to the court's June 16, 2022 order, Dkt. No. 130, as incorporated in her dissent to the court's October 7, 2022 and April 6, 2023 orders, Dkt. Nos. 132 and 140, in which the court granted the government's previous requests to hold the case in abeyance.