

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**STATE OF TENNESSEE, et
al.**

PLAINTIFFS

v.

CAUSE NO. 1:24cv161-LG-BWR

**XAVIER BECERRA, in his
official capacity as Secretary
of the United States
Department of Health and
Human Services, et al.**

DEFENDANTS

PRELIMINARY INJUNCTION

For the reasons set forth in the Memorandum Opinion and Order entered
herewith,

IT IS ORDERED AND ADJUDGED that the July 5, 2024, effective date of
the final rule entitled Nondiscrimination in Health Programs and Activities, 89 Fed.
Reg. 37,522 (May 6, 2024) is **STAYED** nationwide pursuant to 5 U.S.C. § 705, in so
far as this final rule is intended to extend discrimination on the basis of sex to
include discrimination on the basis of gender identity in the following regulations:
42 C.F.R. §§ 438.3, 438.206, 440.262, 460.98, 460.112; 45 C.F.R. §§ 92.5, 92.6, 92.7,
92.8, 92.9, 92.10, 92.101, 92.206-211, 92.301, 92.303, 92.304.

IT IS FURTHER ORDERED AND ADJUDGED that the United States
Department of Health and Human Services, Xavier Becerra in his official capacity
as Secretary of HHS, Melanie Fontes Rainer in her official capacity as the Director
of the Office for Civil Rights, the Centers for Medicare and Medicaid Services, and

Chiquita Brooks-LaSure in her official capacity as Administrator of the Centers for Medicare and Medicaid Services are **ENJOINED** nationwide from enforcing, relying on, implementing, or otherwise acting pursuant to the final rule entitled Nondiscrimination in Health Programs and Activities, 89 Fed. Reg. 37,522 (May 6, 2024), to the extent that the final rule provides that “sex” discrimination encompasses gender identity.

SO ORDERED AND ADJUDGED this the 3rd day of July, 2024.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE