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UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

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Filed: December 13, 2019

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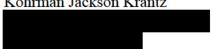
Ms. Karla Z. Keckhaver Wisconsin Department of Justice



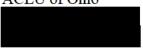
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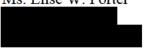
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Ms. Michelle Kogler Terry American Center for Law & Justice Tennessee



Re: Case No. 18-3329, Preterm-Cleveland, et al v. Lance Himes, et al Originating Case No.: 1:18-cv-00109

Dear Counsel,

The Court issued the enclosed order today in this case.

Sincerely yours,

s/Cathryn Lovely Opinions Deputy

cc: Mr. Richard W. Nagel

Enclosure

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RECOMMENDED FOR FULL-TEXT PUBLICATION Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 19a0295p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

PRETERM-CLEVELAND; PLANNED PARENTHOOD SOUTHWEST OHIO REGION; WOMEN'S MED GROUP PROFESSIONAL CORPORATION; ROSLYN KADE, M.D.; PLANNED PARENTHOOD OF GREATER OHIO,

Plaintiffs-Appellees,

No. 18-3329

ν.

LANCE HIMES, Director, Ohio Department of Health; KIM G. ROTHERMEL, Secretary, State Medical Board of Ohio; BRUCE R. SAFERIN, Supervising Member, State Medical Board of Ohio,

Defendants-Appellants.

Appeal from the United States District Court for the Southern District of Ohio at Cincinnati.

No. 1:18-cv-00109—Timothy S. Black, District Judge.

Decided and Filed: December 13, 2019

Before: COLE; Chief Judge; BATCHELDER, MOORE, CLAY, GIBBONS, SUTTON, GRIFFIN, KETHLEDGE, WHITE, STRANCH, DONALD, THAPAR, BUSH, LARSEN, NALBANDIAN, and READLER, Circuit Judges.*

ORDER

A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Sixth Circuit rule 35(b) provides as follows:

^{*}Judge Murphy recused himself from participation in this case.

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No. 18-3329

Preterm-Cleveland v. Himes

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The effect of the granting of a hearing en banc shall be to vacate the previous opinion and judgment of this court, to stay the mandate and to restore the case on the docket sheet as a pending appeal.

Accordingly, it is ORDERED, that the previous decision and judgment of this court are vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument.

ENTERED BY ORDER OF THE COURT
Deborah S. Hunt, Clerk