

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 20-50314

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 20, 2020

Lyle W. Cayce  
Clerk

D.C. Docket No. 1:20-CV-323

SOUTHWESTERN WOMEN'S SURGERY CENTER; BROOKSIDE  
WOMEN'S MEDICAL CENTER, P.A., doing business as Brookside Women's  
Health Center and Austin Women's Health Center; ROBIN WALLACE, M.D.,  
M.A.S.; HOUSTON WOMEN'S CLINIC; PLANNED PARENTHOOD  
CENTER FOR CHOICE; PLANNED PARENTHOOD OF GREATER TEXAS  
SURGICAL HEALTH SERVICES; PLANNED PARENTHOOD SOUTH  
TEXAS SURGICAL CENTER; WHOLE WOMAN'S HEALTH; WHOLE  
WOMAN'S HEALTH ALLIANCE,

Plaintiffs - Appellees

v.

GREG ABBOTT, GOVERNOR OF THE STATE OF TEXAS, in his official  
capacity; KEN PAXTON, in his official capacity as Attorney General of Texas;  
PHIL WILSON, in his official capacity as Acting Executive Commissioner of  
the Texas Health and Human Services Commission; STEPHEN BRINT  
CARLTON, in his official capacity as Executive Director of the Texas Medical  
Board; KATHERINE A. THOMAS, in her official capacity as the Executive  
Director of the Texas Board of Nursing,

Defendants – Appellants

Appeal from the United States District Court for the  
Western District of Texas

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

J U D G M E N T

This cause was considered on emergency motion to for stay.

It is ordered and adjudged that the appeal is dismissed for lack of jurisdiction.



**Certified as a true copy and issued  
as the mandate on Apr 20, 2020**

**Attest:** *Jyle W. Cayce*  
**Clerk, U.S. Court of Appeals, Fifth Circuit**

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USDC No. 1:20-CV-323  
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No. 20-50314

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:\*

Defendants-Appellants appeal the order entered by the district court on April 9, 2020 and extended on April 14, 2020. Temporary restraining orders are not appealable; however, an order styled a temporary restraining order may be appealed if its “actual content, purport, and effect” is that of a preliminary injunction. *Smith v. Grady*, 411 F.2d 181, 186 (5th Cir. 1969); *see also* 28 U.S.C. § 1292. We conclude that the orders involved here are properly understood as an extended temporary restraining order and that we lack jurisdiction over the appeal. Accordingly, we DISMISS this appeal for want of jurisdiction and DENY AS MOOT the emergency motion to stay.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

April 20, 2020

Ms. Jeannette Clack  
Western District of Texas, Austin  
United States District Court  
501 W. 5th Street  
Austin, TX 78701-0000

No. 20-50314 Planned Parenthood Center, et al v. Greg  
Abbott, Governor of TX, et al  
USDC No. 1:20-CV-323

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate and a  
copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Peter A. Conners, Deputy Clerk  
504-310-7685

cc:

Mrs. Molly Rose Duane  
Ms. Heather Gebelin Hacker  
Mr. Kyle Douglas Hawkins  
Ms. Julie A. Murray  
Ms. Jennifer Sandman  
Mr. Andre Segura  
Ms. Rupali Sharma  
Mr. Andrew Bowman Stephens  
Ms. Hannah Swanson  
Mrs. Natalie Deyo Thompson  
Ms. Stephanie Toti