

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JACKSON WOMEN'S HEALTH
ORGANIZATION, et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:12cv436-DPJ-FKB

MARY CURRIER, M.D., M.P.H., et al.

DEFENDANTS

ORDER

This case is before the Court on Plaintiffs' Motion for Partial Summary Judgment [180]. Plaintiffs ask the Court to convert the partial Preliminary Injunction [81], which the Fifth Circuit affirmed as modified [157], into a partial permanent injunction in light of the United States Supreme Court's decision in *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016). While they disagree with the holding, Defendants "acknowledge that the *Hellerstedt* opinion is binding on both this Court and the Fifth Circuit" and agree that they "cannot identify any meaningful distinction between the Texas admitting privileges law struck down in *Hellerstedt* and the admitting privileges requirement of H.B. 1390." Defs.' Resp. [189] at 2; *see also Jackson Women's Health Org. v. Currier*, 760 F.3d 448, 454 n.5 (5th Cir. 2014) ("The Texas law at issue in [*Hellerstedt*] and H.B. 1390 are substantively identical."). Accordingly, Plaintiffs' Motion [180] is granted. Defendants are permanently enjoined from any and all forms of enforcement of the admitting privileges requirement of H.B. 1390 against Plaintiffs.

SO ORDERED AND ADJUDGED this the 17th day of March, 2017.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE