

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

October 30, 2017

Debra P. Hackett
U.S. District Court
PO BOX 711
MONTGOMERY, AL 36101-0711

Appeal Number: 16-17296-BB
Case Style: West Alabama Women's Center, et al v. Thomas Miller, et al
District Court Docket No: 2:15-cv-00497-MHT-TFM

The enclosed published order dismissing the appeal or disposing of a petition for a writ of mandamus or prohibition or other extraordinary writ has been entered. The time for issuance of the mandate is governed by FRAP 41(b). See 11th Cir. R. 41-3.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Carol R. Lewis, BB
Phone #: (404) 335-6179

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 16-17296

D.C. Docket No. 2:15-cv-00497-MHT-TFM

WEST ALABAMA WOMEN'S CENTER,
on behalf of themselves and their patients,
WILLIAM J. PARKER,
M.D., on behalf of himself and his patients,
ALABAMA WOMEN'S CENTER,
YASHICA ROBINSON WHITE,

Plaintiffs-Appellees,

versus

DONALD E. WILLIAMSON,
in his official capacity as State Health Officer, et al.,

Defendant,

THOMAS M. MILLER,
Dr., in his official capacity as State Health Officer,
LUTHER J. STRANGE, III, in his official capacity as
Alabama Attorney General,
LYN HEAD,
in her official capacity as District Attorney for
Tuscaloosa County,
ROBERT L. BROUSSARD,
in his official capacity as District Attorney for Madison County,

Defendants-Appellants.

Appeal from the United States District Court
for the Middle District of Alabama

Before ED CARNES, Chief Judge, DUBINA, Circuit Judge, and ABRAMS,^{*}
District Judge.

PER CURIAM:

This is an appeal from the grant of a preliminary injunction that was issued on October 27, 2016 and was last amended on November 22, 2016. W. Ala. Women's Ctr. v. Miller, 217 F. Supp. 3d 1313 (M.D. Ala. 2016). The appeal was scheduled to be orally argued before this Court at 9:00 a.m. on Friday morning, October 27, 2017. At approximately 12:30 p.m. on Thursday afternoon, October 26, 2017, the district court issued a permanent injunction, accompanied by a 148-page opinion, and it entered final judgment in the case. As a result, this appeal is moot. See Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc., 527 U.S. 308, 315, 119 S. Ct. 1961, 1966 (1999) ("Generally, an appeal from the grant of a preliminary injunction becomes moot when the trial court enters a permanent injunction, because the former merges into the latter."); Cone Corp. v. Hillsborough Cty., 908 F.2d 908, 912 n.5 (11th Cir. 1990) (collecting cases) ("The County's challenge to the issuance of the preliminary injunction is moot regardless

^{*} Honorable Leslie Joyce Abrams, United States District Judge for the Middle District of Georgia, sitting by designation.

of our disposition of this case on its merits because a permanent injunction has issued.”).

APPEAL DISMISSED AS MOOT.