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**

September 26, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23 - 30445State of Missouri v. Biden USDC No. 3:22-CV-1213

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Shea E. Herte

By:

Shea E. Pertuit, Deputy Clerk 504-310-7666

Mr. Travis Christopher Barham

Mr. John B. Bellinger III Mr. Simon Christopher Brewer Mr. Brennan Tyler Brooks

Mr. Jonathon Christian Burns

Mr. Jay R. Carson

Mr. David Anthony Dalia

Mr. Joshua M. Divine

Mr. Christopher A. Ferrara

Mr. Leonid Goldstein

Mr. Jon Marshall Greenbaum

Mr. David A. Greene

Mr. Gene Patrick Hamilton

Mr. R. Stanton Jones

Mr. Glynn Shelly Maturin II

Mr. Christopher Ernest Mills

Mr. Tony R. Moore

Ms. Elizabeth Baker Murrill

Mr. William Jeffrey Olson Mr. Dean John Sauer Mr. Todd Scott Mr. Jay A. Sekulow

Mr. Eric Arthur Sell

Mr. Tracy Short

Mr. Daniel Bentele Hahs Tenny

Ms. Elisabeth S. Theodore

Mr. Peter Martin Torstensen Jr.

Mr. John Julian Vecchione

Mr. Henry Charles Whitaker

Mr. Daniel Winik

Mr. Scott L. Winkelman Mr. Stephen K. Wirth Ms. Jenin Younes Ms. Grace Zhou

United States Court of Appeals for the Fifth Circuit

No. 23-30445

STATE OF MISSOURI; STATE OF LOUISIANA; AARON KHERIATY; MARTIN KULLDORFF; JIM HOFT; JAYANTA BHATTACHARYA; JILL HINES,

Plaintiffs—Appellees,

versus

JOSEPH R. BIDEN, JR.; VIVEK H. MURTHY; XAVIER BECERRA; DEPARTMENT OF HEALTH & HUMAN SERVICES; ANTHONY FAUCI; ET AL.,

Defendants—Appellants.

Appeal from the United States District Court

for the Western District of Louisiana
USDC No. 3:22-CV-1213

UNPUBLISHED ORDER

Before CLEMENT, ELROD, and WILLETT, Circuit Judges.

Per Curiam:

IT IS ORDERED that the court order entered on September 25, 2023, is withdrawn.

No. 23-30445

IT IS FURTHER ORDERED that the mandate issued forthwith, on September 11, 2023, is recalled.

IT IS FURTHER ORDERED that the Appellants are directed to file a response to the petition for rehearing by September 28, 2023, at 12:00 p.m.

IT IS FURTHER ORDERED that the preliminary injunction issued on July 4, 2023, by the United States District Court for the Western District of Louisiana will remain STAYED pending resolution of Appellees' petition for panel rehearing.