

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

Deborah S. Hunt  
Clerk

100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000  
[www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

Filed: December 13, 2019

Ms. Jennifer L. Branch  
Mr. Alphonse A. Gerhardstein  
Gerhardstein & Branch

[REDACTED]

Mr. Stephen P. Carney  
Ms. Tiffany L. Carwile  
Mr. Benjamin Michael Flowers  
Office of the Attorney General of Ohio

[REDACTED]

Ms. Melissa Cohen  
Planned Parenthood Federation of America

[REDACTED]

Mr. Thomas Molnar Fisher  
Office of the Attorney General of Indiana

[REDACTED]

Ms. Carrie Y. Flaxman  
Planned Parenthood Federation of America

[REDACTED]

Fadwa A. Hammoud  
Office of the Attorney General of Michigan

[REDACTED]

Mr. Brandon D. Harper  
O'Melveny & Myers

[REDACTED]

Ms. Beatrice Jessie Hill  
Case Western Reserve University  
School of Law

[REDACTED]

Ms. Karla Z. Keckhaver  
Wisconsin Department of Justice

[REDACTED]

Ms. Alexa Kolbi-Molinas  
American Civil Liberties Union

[REDACTED]

Ms. Justine Lara Konicki  
Kohrman Jackson Krantz

[REDACTED]

Freda Levenson  
ACLU of Ohio

[REDACTED]

Ms. Elise W. Porter

[REDACTED]

Ms. Anna Rich  
Office of the Attorney General of California

[REDACTED]

Lindsay Sara See  
Office of the Attorney General  
of West Virginia  
State Capitol Complex



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

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

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

*Plaintiffs-Appellees,*

v.

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.*

No. 18-3329

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.\*

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**ORDER**

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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:

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\*Judge Murphy recused himself from participation in this case.

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

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Deborah S. Hunt, Clerk