

FOR PUBLICATION

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

STATE OF CALIFORNIA, by
and through Attorney General
Xavier Becerra,
Plaintiff-Appellee,

v.

ALEX M. AZAR II, in his
Official Capacity as Secretary
of the U.S. Department of
Health & Human Services;
U.S. DEPARTMENT OF
HEALTH & HUMAN SERVICES,
Defendants-Appellants.

No. 19-15974

D.C. No.
3:19-cv-01184-EMC

ESSENTIAL ACCESS HEALTH,
INC.; MELISSA MARSHALL,
M.D.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, Secretary
of U.S. Department of Health
and Human Services; UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN
SERVICES,

Defendants-Appellants.

No. 19-15979

D.C. No.

3:19-cv-01195-EMC

STATE OF OREGON; STATE OF
NEW YORK; STATE OF
COLORADO; STATE OF
CONNECTICUT; STATE OF
DELAWARE; DISTRICT OF
COLUMBIA; STATE OF
HAWAII; STATE OF ILLINOIS;
STATE OF MARYLAND;
COMMONWEALTH OF
MASSACHUSETTS; STATE OF
MICHIGAN; STATE OF
MINNESOTA; STATE OF
NEVADA; STATE OF NEW
JERSEY; STATE OF NEW
MEXICO; STATE OF NORTH
CAROLINA; COMMONWEALTH
OF PENNSYLVANIA; STATE OF
RHODE ISLAND; STATE OF

No. 19-35386

D.C. Nos.

6:19-cv-00317-MC

6:19-cv-00318-MC

VERMONT; COMMONWEALTH
OF VIRGINIA; STATE OF
WISCONSIN; AMERICAN
MEDICAL ASSOCIATION;
OREGON MEDICAL
ASSOCIATION; PLANNED
PARENTHOOD FEDERATION OF
AMERICA, INC.; PLANNED
PARENTHOOD OF
SOUTHWESTERN OREGON;
PLANNED PARENTHOOD
COLUMBIA WILLAMETTE;
THOMAS N. EWING, M.D.;
MICHELE P. MEGREGIAN,
C.N.M.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II; UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN
SERVICES; DIANE FOLEY;
OFFICE OF POPULATION
AFFAIRS,

Defendants-Appellants.

STATE OF WASHINGTON;
NATIONAL FAMILY PLANNING
AND REPRODUCTIVE HEALTH
ASSOCIATION; FEMINIST
WOMEN'S HEALTH CENTER;
DEBORAH OYER, M.D.;
TERESA GALL,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, in his
official capacity as Secretary
of the United States
Department of Health and
Human Services; UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN
SERVICES; DIANE FOLEY,
MD, in her official capacity
as Deputy Assistant
Secretary for Population
Affairs; OFFICE OF
POPULATION AFFAIRS,

Defendants-Appellants.

No. 19-35394

D.C. Nos.

1:19-cv-03040-SAB

1:19-cv-03045-SAB

ORDER

Filed July 3, 2019

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that these cases be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel Order on Motions for Stay Pending Appeal in these cases shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Graber, Christen, and Owens did not participate in the deliberations or vote in these cases.