

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2015

Lyle W. Cayce
Clerk

No. 14-50928

WHOLE WOMAN'S HEALTH; AUSTIN WOMEN'S HEALTH CENTER;
KILLEEN WOMEN'S HEALTH CENTER; NOVA HEALTH SYSTEMS,
doing business as Reproductive Services; SHERWOOD C. LYNN, JR., M.D.,
on behalf of themselves and their patients; PAMELA J. RICHTER, D.O., on
behalf of themselves and their patients; LENDOL L. DAVIS, M.D., on behalf
of themselves and their patients,

Plaintiffs - Appellees - Cross-Appellants

v.

KIRK COLE, M.D., Commissioner of the Texas Department of State Health
Services, in his Official Capacity; MARI ROBINSON, Executive Director of
the Texas Medical Board, in her Official Capacity,

Defendants - Appellants - Cross-Appellees

Appeals from the United States District Court for the
Western District of Texas, Austin

Before PRADO, ELROD, and HAYNES, Circuit Judges.

O R D E R:

On June 9, 2015, we issued an opinion in *Whole Woman's Health v. Cole*,
No. 14-50928, 2015 U.S. App. LEXIS 9699 (5th Cir. Jun. 9, 2015). We now
MODIFY our opinion and judgment of June 9, 2015 to provide that the district

court's injunction of the ASC requirement (as defined in the June 9 opinion) as applied to the McAllen facility shall remain in effect until October 29, 2015, at which time the injunction shall be vacated in part, as delineated and explained in our June 9 opinion.

The unopposed Motion to Become an Amicus Party and to File Amicus Brief, filed June 15, 2015, is GRANTED.

The opposed Appellees' Motion to Stay the Mandate, filed June 10, 2015, is DENIED. Judge Prado respectfully dissents from the denial of the motion to stay.