

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 20, 2020

Lyle W. Cayce
Clerk

No. 20-50314

SOUTHWESTERN WOMEN'S SURGERY CENTER; BROOKSIDE WOMEN'S MEDICAL CENTER, P.A., doing business as Brookside Women's Health Center and Austin Women's Health Center; ROBIN WALLACE, M.D., M.A.S.; HOUSTON WOMEN'S CLINIC; PLANNED PARENTHOOD CENTER FOR CHOICE; PLANNED PARENTHOOD OF GREATER TEXAS SURGICAL HEALTH SERVICES; PLANNED PARENTHOOD SOUTH TEXAS SURGICAL CENTER; WHOLE WOMAN'S HEALTH; WHOLE WOMAN'S HEALTH ALLIANCE,

Plaintiffs - Appellees

v.

GREG ABBOTT, GOVERNOR OF THE STATE OF TEXAS, in his official capacity; KEN PAXTON, in his official capacity as Attorney General of Texas; PHIL WILSON, in his official capacity as Acting Executive Commissioner of the Texas Health and Human Services Commission; STEPHEN BRINT CARLTON, in his official capacity as Executive Director of the Texas Medical Board; KATHERINE A. THOMAS, in her official capacity as the Executive Director of the Texas Board of Nursing,

Defendants - Appellants

Appeal from the United States District Court for
the Western District of Texas
USDC No. 1:20-CV-323

No. 20-50314

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Defendants-Appellants appeal the order entered by the district court on April 9, 2020 and extended on April 14, 2020. Temporary restraining orders are not appealable; however, an order styled a temporary restraining order may be appealed if its “actual content, purport, and effect” is that of a preliminary injunction. *Smith v. Grady*, 411 F.2d 181, 186 (5th Cir. 1969); *see also* 28 U.S.C. § 1292. We conclude that the orders involved here are properly understood as an extended temporary restraining order and that we lack jurisdiction over the appeal. Accordingly, we DISMISS this appeal for want of jurisdiction and DENY AS MOOT the emergency motion to stay.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.