

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2021

Lyle W. Cayce
Clerk

No. 19-10011

STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA;
STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA;
STATE OF KANSAS; STATE OF LOUISIANA; STATE OF
MISSISSIPPI, *by and through Governor Phil Bryant*; STATE OF
MISSOURI; STATE OF NEBRASKA; STATE OF NORTH DAKOTA;
STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE
OF TENNESSEE; STATE OF UTAH; STATE OF WEST VIRGINIA;
STATE OF ARKANSAS; NEILL HURLEY; JOHN NANTZ,

Plaintiffs—Appellees,

versus

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; ALEX AZAR, II, *Secretary, U.S.*
Department of Health and Human Services; UNITED STATES
DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, *in*
his Official Capacity as Commissioner of Internal Revenue,

Defendants—Appellants,

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF
COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF
ILLINOIS; ANDY BESHEAR, *Governor, State of Kentucky*; STATE OF
MASSACHUSETTS; STATE OF NEW JERSEY; STATE OF NEW
YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE
OF RHODE ISLAND; STATE OF VERMONT; STATE OF VIRGINIA;
STATE OF WASHINGTON; STATE OF MINNESOTA,

Intervenor Defendants—Appellants.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:18-CV-167

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before KING, ELROD, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:

In an opinion issued on June 17, 2021, the Supreme Court of the United States vacated this court's judgment and remanded the case to us with instructions to dismiss. *California v. Texas*, 141 S. Ct. 2104, 2120 (2021). In accordance with that decision, we now VACATE the judgment of the district court in its entirety and REMAND the case to the district court with instructions to dismiss the case. The Clerk is directed to issue the mandate forthwith.