



Case: 24-50180 Document: 82-2 Page: 1 Date Filed: 11/12/2024

United States Court of Appeals for the Fifth Circuit

FILED

November 12, 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ PG DEPUTY

United States Court of Appeals
Fifth Circuit

FILED

September 20, 2024

Lyle W. Cayce
Clerk

Certified as a true copy and issued
as the mandate on Nov 12, 2024

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 24-50180

NATIONAL INFUSION CENTER ASSOCIATION, *on behalf of itself and its members*; GLOBAL COLON CANCER ASSOCIATION, *on behalf of itself and its members*; PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA, *on behalf of itself and its members*,

Plaintiffs—Appellants,

versus

XAVIER BECERRA, *Secretary, U.S. Department of Health and Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHIQUITA BROOKS-LASURE, *In Her Official Capacity as Administrator of THE CENTERS FOR MEDICARE and MEDICAID SERVICES*; CENTERS FOR MEDICARE AND MEDICAID SERVICES,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-707

Before ELROD, DUNCAN, and RAMIREZ, *Circuit Judges.*

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

No. 24-50180

IT IS ORDERED and ADJUDGED that the judgment of the District Court is REVERSED, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.