

United States Court of Appeals
for the Fifth Circuit

No. 23-10078

United States Court of Appeals
Fifth Circuit

FILED

December 16, 2024

SUSAN NEESE; JAMES HURLY,

Lyle W. Cayce
Clerk

Plaintiffs—Appellees,

versus

XAVIER BECERRA, *in his official capacity as Secretary of Health and Human Services*; UNITED STATES OF AMERICA,

Defendants—Appellants.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:21-CV-163

Before JONES, HAYNES, and DOUGLAS, *Circuit Judges.*

J U D G M E N T

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

IT IS ORDERED and ADJUDGED that the judgment of the District Court is VACATED, 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 Appellees pay to Appellants the 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.