

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SUSAN NEESE, *et al.*,

Plaintiffs,

v.

2:21-CV-163-Z

XAVIER BECERRA, in his official
capacity as the Secretary of the United
States Department of Health and Human
Services, *et al.*,

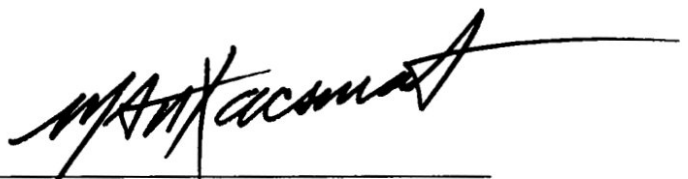
Defendants.

ORDER

On November 22, 2022, this Court issued a Final Judgment in the instant case. ECF No. 71. Defendants then filed a Notice of Appeal (ECF No. 72) with the United States Court of Appeals for the Fifth Circuit. The Fifth Circuit, by a panel of Judges Jones, Haynes, and Douglas, vacated the Court's judgment for lack of standing and remanded, instructing the Court to dismiss Plaintiffs' claims for lack of jurisdiction. *Neese v. Becerra*, No. 23-10078, Dkt. 90-1 at 1 (5th Cir. Dec. 16, 2024) (*per curiam*). This is because Plaintiffs "have not shown how their conduct constitutes gender-identity discrimination under any plausible reading of the Notification," and because "their current practices have not been chilled or otherwise affected, and there is no evidence that an enforcement proceeding is imminent." *Id.* at 3–4. In accordance with the Fifth Circuit's instructions, the Court **ORDERS** that the instant case be **DISMISSED** for lack of jurisdiction.

SO ORDERED.

February 11, 2025


MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE