

United States Court of Appeals  
for the Fifth Circuit

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No. 23-10362

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United States Court of Appeals  
Fifth Circuit

**FILED**

September 16, 2024

Lyle W. Cayce  
Clerk

ALLIANCE FOR HIPPOCRATIC MEDICINE; AMERICAN  
ASSOCIATION OF PRO-LIFE OBSTETRICIANS &  
GYNECOLOGISTS; AMERICAN COLLEGE OF PEDIATRICIANS;  
CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS; SHAUN  
JESTER, D.O.; REGINA FROST-CLARK, M.D.; TYLER JOHNSON,  
D.O.; GEORGE DELGADO, M.D.,

*Plaintiffs—Appellees,*

*versus*

U.S. FOOD & DRUG ADMINISTRATION; ROBERT M. CALIFF,  
*Commissioner of Food and Drugs*; JANET WOODCOCK, M.D., *in her  
official capacity as Principal Deputy Commissioner, U.S. Food and Drug  
Administration*; PATRIZIA CAVAZZONI, M.D., *in her official capacity as  
Director, Center for Drug Evaluation and Research, U.S. Food and Drug  
Administration*; UNITED STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; XAVIER BECERRA, *Secretary, U.S. Department of  
Health and Human Services,*

*Defendants—Appellants,*

*versus*

DANCO LABORATORIES, L.L.C.,

*Intervenor—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:22-CV-223

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Before ELROD, HO, and WILSON, *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 each party bear its own costs on appeal.